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Volume No. 22

Royal Commission on Crime,

Monday May 14/62.

P.P. 4483 — 4716.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

THE STERLING TRUSTS CORPORATION,
Executor of The Last Will and
Testament of Dorothy Margaret Brown,
late of the Town of Trenton, in the
County of Hastings, Deceased, and
WILLIAM JOHN BROWN,

Plaintiffs,

- and -

HENRY POSTMA, FRED A. LITTLE and
FREDERICK H. LITTLE,

Defendants.

AND BETWEEN:

THE STERLING TRUSTS CORPORATION,
Executor of The Last Will and
Testament of Dorothy Margaret Brown,
late of the Town of Trenton,
in the County of Hastings, Deceased,
and WILLIAM JOHN BROWN,

Plaintiffs,

- and -

HENRY POSTMA, OLIVE RUSSELL LITTLE,
Executrix of the Estate of
Fred A. Little, and FREDERICK H. LITTLE,

Defendants.

AND BETWEEN:

THE ATTORNEY GENERAL OF CANADA,

Plaintiff,

- and -

HENRY POSTMA, FRED A LITTLE and
FREDERICK H. LITTLE,

Defendants.

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A/1/DO/N

MONDAY, MAY 14, 1962

---On resuming at 10:10 o'clock, a.m.

THE COMMISSIONER: Are you ready for the witness, Mr. Wilson?

MR. WILSON: I think Mr. Riggs was in the box for cross-examination.

THE COMMISSIONER: Yes.

JOHN RIGGS, resumed

THE COMMISSIONER: You are still under oath, Mr. Riggs.

THE WITNESS: Yes, sir.

MR. HOGG: Thank you, Mr. Commissioner.

EXAMINED BY MR. HOGG:

Q. Mr. Riggs, I am intrigued by your assets, when you have testified that you had, for the past ten years, an income of some five to six thousand dollars. Now, you told us that you have a home and that is located where?

A. On Belvedere Boulevard.

Q. How long have you lived there?

A. Approximately about 1950.

Q. For ten or eleven years?

A. Approximately.

Q. And have you any other property in

this province, apart from the cottage?

A. No, sir.

Q. Did you ever live at 35 Kipling Avenue?

A. No, sir.

Q. Well, a lease was supplied to Mr. Cudney, the Deputy Provincial Secretary, by Mr. Louis Herman on February 11th, 1960, and lists a J. Riggs, 35 Kipling Avenue.

A. I can explain that. My mother - that is where my mother lived, 35 Kipling.

Q. Why did you give her address and not yours?

A. Well, I stayed there periodically during the summer time.

Q. Is that your explanation?

A. Yes, sir.

Q. Now ---

THE COMMISSIONER: Q. Did you have your own home at the time?

A. Yes, but my family would not be there. They would be at the cottage.

MR. HOGG: Q. But the old list also gives 35 Kipling Avenue. That is the membership list seized by the police at the home of one George Reid.

A. That is probably the same list.

Q. It is a different list, witness.

A. Well, they may have changed the address from one card to the other in the

membership. I have no explanation for that.

Q. In any event, you did not give your correct address and you say you gave your mother's home?

A. That is correct.

Q. Have you a financial interest in that home?

A. No, sir.

Q. You testified that you had a cottage on Sturgeon Lake?

A. That is correct.

Q. And you purchased that cottage when?

A. Approximately in 1950.

Q. For cash, in the amount of what?

A. Approximately $5,000.

Q. Now, have you a boat there?

A. Yes, sir.

Q. When did you purchase this boat?

THE COMMISSIONER: Q. What kind of boat is it? A rowboat or a yacht or what?

A. No. There was a boat that went with the cottage, when I purchased the cottage. And after that I bought another boat to the extent of about $1,500.

MR. HOGG: Q. About $1,500. And from who did you purchase that boat?

A. Gravette.

Q. The Gravette people?

A. Yes.

Q. Located where?

A. I believe they have a plant in Gravenhurst.

Q. What type of boat is it?

A. Gravette.

Q. Outboard or inboard?

A. Inboard.

Q. Inboard. Did you pay cash?

A. Yes, sir.

Q. Did you have any other large financial ~~xxxxx~~ outlays at that cottage, Mr. Riggs? What about a wall? Did you build a wall up there?

A. Yes, sir. It was not a wall, exactly. It was a dock.

Q. A dock?

A. A dock. Not a wall.

Q. And who built that dock?

A. Mr. Kennedy.

Q. Who is Mr. Kennedy?

A. He was a farmer up there.

Q. He is one of the local people. And how much did that cost?

A. As I remember, it would run around five or six hundred dollars.

Q. Is that all?

A. Yes, sir.

Q. Any other large financial outlays?

A. No, sir.

Q. Did you buy a large outboard motor?

A. I bought an outboard motor previous

to the other boat. That would be around about 1951.

Q. What horsepower?

A. I believe it was 14.

Q. How much did it cost, four or five hundred dollars?

A. At that time I don't believe it wasthat much, no.

Q. You said you hadn't been south for some time. You are referring to Florida, are you?

A. Yes, sir.

Q. When was the last time you were in Florida?

A. I don't recall, offhand.

Q. Three years ago?

A. Yes, sir, it could be.

Q. Did you fly down?

A. No, sir.

Q. How did you go down?

A. Drove down.

Q. In this car of yours?

A. Yes, sir.

Q. Or with somebody else?

A. My own car.

Q. Was that car new when you purchased it?

A. It was new in 1958, yes.

Q. You bought a 1958 Cadillac. Cash?

A. Yes, sir.

Q. Where did you buy it from?

A. The Kingsway Motors.

Q. Paid over $5,000 cash for it?

A. I believe the amount involved was about $4,000.

Q. Cash?

A. With the car I turned in, yes.

Q. When did you buy this $1,500 inboard runabout?

A. It was some years previous before that. I don't recollect exactly what year it might have been.

Q. This car in 1958 represented four-fifths of your total income. You must not eat very much.

A. At that time, as I pointed out to the income tax branch at the time, there was some money in a stock transaction.

Q. A stock transaction. I will come to that. You told us three years ago you went down to Florida; is that right?

A. Yes.

Q. Were you down two years ago?

A. Yes, sir.

Q. Were you down last year?

A. No, sir.

Q. Two years ago you went to Florida, and did you drive or fly?

A. Drove.

Q. Drove. Where did you stay?

A. The motel.

Q. How long did you stay there?

A. Three or four weeks.

Q. Three or four weeks. How much did it cost per day?

MR. WILSON: Mr. Commissioner, I thought I would enquire as to whether or not this witness should sit.

THE COMMISSIONER: He is doing very well.

THE WITNESS: I just want a glass of water.

MR. HOOG: Q. Would it be $20 a day?

A. Approximately. The expenses, total, would be $20 a day, I would say.

Q. Would it be $30 a day?

A. No, sir.

Q. Who did you go down with?

THE COMMISSIONER: When?

MR. HOOG: On the last trip two years ago, Mr. Commissioner.

THE WITNESS: I drove down with another party.

MR. HOOG: Q. Who?

A. Mrs.Miller.

Q. Mrs. Miller. What is her first name?

A. Joyce.

Q. Joyce. You went out on the town quite a bit. You weren't cooking your own meals?

A. No, I wouldn't say that, no.

Q. So it would be another $20 a day

for food and entertaining, at least? Right?

A. Possibly.

Q. So we are up to about $40 a day. What part of Florida did you stay in?

A. In the beach.

Q. What do you mean "the beach"?

A. Miami.

Q. Miami Beach. Did you leave Miami Beach at any time?

A. No, sir.

Q. You stayed there the whole four weeks?

A. Yes, sir.

Q. Now, the year before. I will be coming back to the second year trip again. But the year before you drove down, did you?

A. Yes, sir.

Q. Who did you drive down with?

A. Myself.

Q. Anyone else?

A. No, sir.

Q. Where did you stay?

A. Fort Lauderdale.

Q. How long did you stay there?

A. Three weeks.

Q. At a hotel?

A. Motel.

Q. A motel. What was the name of the motel?

A. I believe it was the Bahama.

Q. Bahama?

A. I believe.

Q. Motel. Located in Fort Lauderdale?

A. Right.

Q. And how much did it cost you a day there?

A. Approximately about the same.

Q. $20?

A. Yes.

Q. Did anybody stay with you?

A. Yes, sir.

A/2 Q. Who?

A. My family.

THE COMMISSIONER: Q. How many in the family?

A. My wife and daughter.

MR. HOGG: Q. And again, it would cost you at least another $20 a day for food and so forth? Right?

A. You could say so. I don't know.

Q. $40 a day. For how long, witness?

A. Three weeks.

Q. That is three years ago. Now, the year before that, did you go down to Florida?

A. I don't believe so.

Q. Did you go any other place south of the border?

A. No, sir.

Q. Did you go down to the Caribbean?

A. No, sir.

Q. When were you last down in the Caribbean?

A. You mean south of Florida?

Q. Any place.

A. I have never been down any place but Florida. Miami.

Q. Never been any other place, witness?

A. No, sir.

Q. Quite sure?

A. Positive.

Q. What about Bermuda?

A. Never been in Bermuda.

Q. Now, apparently, we have skipped a year. Were you down in Florida the year before that?

A. The year before what?

Q. Five years ago?

THE COMMISSIONER: Are we back to 1957?

MR. HOOG: Q. 1957. That is the year of the transfer of the charter.

A. I can't recollect. I was down maybe twice, three times in the previous five years, but I don't recall being down -- I can't pinpoint.

Q. Three or four times in the past five years?

A. No, sir.

Q. Two or three?

A. Possibly three times in the last

five years, and maybe twice before that.

Q. Now, you have been ten years with Joseph Price Sales, or over ten years; is that right?

A. Yes, sir.

Q. How many times have you been down to Florida since 1950?

A. Approximately five times I would say, roughly.

Q. Almost every other year?

A. That would be fair.

Q. Staying there for three or four or five weeks?

A. Mostly three weeks. The majority of trips were three weeks.

Q. Did you drive down every time or did you ever fly down?

A. I never flew down, but I went down on the train twice.

Q. Did you ever meet Feeley or McDermott down in Florida?

A. No, sir.

Q. Or Midgely?

A. No, sir.

Q. Now, you told us that you had a 25 per cent interest in the Selby Hotel, at one point?

A. That is correct.

Q. And Midgely had a 25 per cent?

A. Yes, sir.

Q. Who had the other 50 per cent?

A. There were two other parties. Mr. Hyndman and Mr. Johnson.

Q. That is Jackie Hyndman?

A. John Hyndman.

Q. John Hyndman?

A. Yes, sir.

THE COMMISSIONER: Q. How do you spell that?

A. H-y-n-d-m-a-n.

Q. Who was the other man?

A. Mr. Midgly and Mr. Johnson.

Q. What was Johnson's first name?

A. Lyle.

Q. Lyle?

A. L. Johnson, L-y-l-e.

Q. L. Johnson?

A. Yes.

MR. HOGG: Q. Who was Johnnie Hyndman?

A. He is the present owner of the hotel.

THE COMMISSIONER: Q. Well, apart from that?

A. He is a friend, just a friend, that is all.

MR. HOGG: Q. What was his connection with the Alpha Makai Club?

A. He had no connection whatever, that I knew of.

Q. No connection with the Alpha Club?

A. No, sir.

Q. Was he a member of the Vets Club?

A. He was possibly a member.

Q. Oh. You would know ---

THE COMMISSIONER: Let him answer.

THE WITNESS: I have seen him out there. I couldn't swear whether he was a member or not because he was never out there more than two or three ~~xx~~ times, to my knowledge.

MR. HOGG: Q. Did you ever go south with Midgely?

A. No, sir.

Q. You met him down south, did you?

A. Never met him down south,no sir.

Q. Do you ever recall having your photograph taken with Midgely?

A. No, sir.

Q. You were never in Bermuda or the Bahamas or Jamaica or Nassau?

A. No, sir.

THE COMMISSIONER: He said that.

MR. HOGG: Q. How much did you pay for your 25 per cent interest in the Selby Hotel?

A. I believe it was $15,000, approximately.

Q. I am sorry?

A. I believe it was $15,000, approximately.

Q. What did you sell it for?

A. I sold it a year and a half later

for the same amount.

Q. Where did you get the $15,000 from?

A. I had a accumulated that through the years at that time. Some money from Sto-Pal Tool and Die.

Q. You said you were in the sales business, selling potato chips?

A. That is one of the lines.

Q. What does that work consist of, Mr. Riggs?

A. It is a promotion, sales promotion.

Q. What do you do?

A. Just a good-will sales promoter, go around.

Q. Call on people?

A. Yes.

Q. What type of places do you go to?

A. Go to hotels and go to veterans' clubs, and unions and things like that, wherever they might buy chips. Beverage rooms.

Q. Would you be in a position to give the Commissioner a list of people you called on in the last two months, in connection with your sales promotion?

A. No, I am not.

Q. Do you keep a record? Eh?

A. No, I don't think I can right at this time.

Q. Did you call on anybody last week?

A. No, sir.

Q. Or the week before?

A. It is not my job to go around just calling on one particular party or one particular person.

Q. You call on a number, do you?

A. That is correct.

Q. Give us the name of one you called on the week before last?

A. I don't recall calling on anybody.

Q. Or the week before that?

A. Offhand, I can't.

Q. Or recall anybody the week before that? You really don't work very hard at that, do you, Mr. Riggs?

A. I work at it, yes.

Q. You don't do anything. What do you do?

A. I gave you an explanation of what I did.

Q. You call on people to promote the sale of potato chips?

A. That is right.

Q. Can yougive me the name of somebody you called on last month?

A. No, sir.

Q. Or the month before that?

A. No, sir.

Q. Or the month before that? Or in the last year? Your income doesn't come from

Mr. Price, does it?

A. Yes, sir.

Q. How are you paid?

A. By cheque.

Q. How often do you get this cheque?

A. Weekly.

Q. Do you have an office? Do you work out of an office?

A. I work out of the plant.

Q. Do you work out of an office? Have you got a desk with a phone on it?

A. No, sir.

Q. Have you got a business card?

A. Yes, sir.

Q. Can I see one?

A. I don't have one on me.

Q. When were these business cards printed?

A. I can't say offhand when they were printed. They were some years back.

Q. Tell me the telephone number of your office?

A. Lennox 2-5711.

Q. Does the card say that?

A. I believe so.

Q. Does it?

A. It did at one time. I don't know. I believe it does, yes.

Q. You believe it does?

A. Yes.

Q. Would you be in a position to bring one of those cards tomorrow?

A. Yes, sir.

THE COMMISSIONER: Q. You say you are paid weekly?

A. Yes, sir.

Q. How much?

A. Well, my take-home pay is approximately $100, or a dollar or two short of that.

MR. MOGO: Q. Who signs the cheque?

A. Mr. Price.

THE COMMISSIONER: Q. What do you do to earn it?

A. I just work with him, promoting sales.

Q. I know, but doing what?

A. Well, just seeing people and asking them to buy Price's products. I don't make any special calls. I just go around with anybody, you might see.

Q. How long have you been working in that capacity?

A. Ten years.

Q. Ten years.

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Q. Do you have any records or books indicating - - with you?

A. No sir.

Q. Do you have any literature?

A. I don't carry it with me.

Q. Do you carry around samples with you?

A. No sir.

Q. Do you check in at the office, or offices at a certain time every morning?

A. I usually come in there every day.

Q. Do you check in at a certain time every morning?

A. Not necessarily, sir.

THE COMMISSIONER: What - - you do?

A. No sir.

MR. MOGG: Q. Do you check out?

A. No sir.

Q. You spend most of your time in the King Edward, don't you?

A. No sir.

Q. You don't spend a good portion of your time there?

A. I spend an hour or two there at noon hour.

Q. Witness, I am suggesting to you that you spend a good deal more than an hour or two a day at the King Edward; that you are around that hotel and seen in the lobby and

around by the cafeteria - now what do you - - do you dispute that?

A. No I wouldn't.

Q. Right. And therefore - - -

THE COMMISSIONER: Just a moment. what part of the day?

MR. HOGG: Q. That you are there for a good part of the time every day?

A. Approximately two hours.

Q. I suggest to you three or four hours?

A. That is not correct.

Q. What do you do in the lobby of the hotel for a couple of hours?

A. The purpose I go there for, is for lunch. I am usually there between twelve and one-thirty.

Q. But you don't eat in the lobby, do you?

A. I go to the cafeteria.

Q. You were not seen around the lobby - hanging around there?

A. I stand around there.

Q. Doing what?

A. Nothing in particular, just standing.

Q. Taking bets?

A. No.

Q. Doing what?

A. I just stand there and I

might put in an hour in my noon hour there.

Q. Are you there in the afternoon?

A. I don't make a habit of being there all afternoon, no.

Q. Are you ever there in the afternoon?

A. I have been there, yes.

Q. For an hour or so?

A. Yes sir.

Q. And you are there sometime in the morning?

A. Very seldom.

Q. Once or twice a week?

A. No, I wouldn't say - - very seldom I am there in there in the morning.

Q. What would you define as very seldom?

A. No more than once a month.

Q. What about in the afternoon?

A. We have covered the afternoon - the noon hour.

Q. How often on an average, during the course of a week, would you be there. In the afternoon, you would be there for at least an hour?

A. Are you talking about recently?

Q. I am talking over the past - yes, recently?

A. Three or four years?

Q. Yes.

A. I might have spent an hour there, two or three afternoons a week.

Q. Right, and sometimes you may be there two hours?

A. Sometimes.

Q. Sometimes?

A. It is possible.

Q. What about in the evening. Do you hang around there in the evening at all?

A. No sir.

THE COMMISSIONER: What do you do there, apart from eating your noon-day meal?

A. Just drop in there. It is more of a bit of meeting place.

THE COMMISSIONER: For whom?

A. Nobody in particular.

THE COMMISSIONER: You must have had some reason for going there. Have you spent any time at the Royal York, for example?

A. I have been there - down at the Royal York.

THE COMMISSIONER: I say, have you spent any time at the Royal York?

A. Not too much, no.

THE COMMISSIONER: At the Ford Hotel?

A. No. I have never been in the Ford.

THE COMMISSIONER: You concentrate on

the King Edward, do you?

A. Yes.

THE COMMISSIONER: Why?

A. No particular reason, just because it was - - -

MR. HOGG: Q. The Commissioner asked you about the Royal York, but what about other places - one of your other places is the Walker House, and the Prince George, aren't they?

A. I don't go to the Walker House.

MR. HOGG: Q. Never?

A. No.

Q. But what about the Prince George, have you been in the Prince George?

A. I have been in the Prince George for lunch, yes.

Q. I am not talking about lunch, hanging around there for fairly lengthy periods?

A. No sir.

Q. That is your evidence under oath?

A. That I hang around the Prince George for lengthy periods?

Q. Yes, defining lengthy periods as an hour?

A. I have stayed around there for an hour, yes.

Q. Doing what?

A. I go there for lunch periodically.

Q. Where does the money come fromto finance trips down to Florida?

A. It comes from gambling.

Q. From gambling?

A. Yes.

Q. From the proceeds of gambling?

A. It comes from gambling.

THE COMMISSIONER: That's what he means.

MR. HOGG: Q. You did tell the Commissioner on the last occasion we were here, on Friday, that you lost money?

A. I said I lost money in one month, but never wound up with any money in from gambling.

Q. You must have?

A. Gambling, when you are gambling, you don't win all the time and you don't lose all the time. You win two thousand this month, and you win back nineteen hundred the next month.

Q. These trips werefrom profits of gambling?

A. When I wenty to Florida, it was usually after that, that I made some money.

Q. You were on the house side, you weren't gambling against the house, were you?

A. I gambled both ways, beside backing, I bet too.

Q. Did you take bets?

A. Yes sir.

Q. Where?

A. Where do I take them?

Q. Yes?

A. I took bets at the Jordan House.

Q. Apart from that?

A. The Jordan house. You mean previous to this?

Q. Previous to today, where have you taken bets except at the Jordan Club?

A. I have accepted bets.

Q. Where?

A. Telephone, mostly.

Q. Where?

A. Where?

Q. Where?

A. Where - I was taking them myself on the phone.

Q. Where?

THE COMMISSIONER: Where were you taking them?

A. Evelyn Avenue.

MR. HOGG: Q. 79 Evelyn?

A. Yes.

Q. You were recording bets there?

A. That is correct.

Q. Let's deal briefly with the Jordan Club.

THE COMMISSIONER: Just a minute. Evelyn Avenue - what period are you speaking of when you say you have taken bets on the phone at 79 Evelyn?

A. Recently.

THE COMMISSIONER: How recently?

A. In the late fall. A charge of conspiracy is pending in Oshawa before - - -

THE COMMISSIONER: Just a moment now.

Q. How long - when did you start them?

A. I have always been - -

THE COMMISSIONER: Not always. When did you start?

A. As long back as I can remember.

THE COMMISSIONER: Well, the last - the last how many years - ten years?

A. Longer.

THE COMMISSIONER: What was the backing for the bets that you took?

A. I was writing myself.

THE COMMISSIONER: You didn't have anybody associated with you?

A. Oh yes, there was associated, but I was doing the work.

THE COMMISSIONER: But who was associated with you?

A. Mr. Dan.

THE COMMISSIONER: Whatwas his first name?

A. Reg.

THE COMMISSIONER: For how long was he your associate - before the Jordan Club?

A. From the Jordan Club, not before. The time the Jordan Club closed.

THE COMMISSIONER: What was the nature of your association with Dan?

A. He used to take the bets and I would write themdown.

THE COMMISSIONER: Where would he take them?

A. Well, he had a number that they used to call.

THE COMMISSIONER: Who used to call?

A. Customers.

THE COMMISSIONER: Where was the number?

A. I believe it was Jameson Avenue.

THE COMMISSIONER: If I understand the routine, he would be at the Jameson Avenue place, and you would be at Evelyn Avenue?

A. Yes.

THE COMMISSIONER: The Evelyn Avenue address?

A. Yes.

THE COMMISSIONER: And he would take bets out there, would he?

A. Well - - -

THE COMMISSIONER: And talk on the phone then to you?

A. Yes.

THE COMMISSIONER: You were the clearing house, were you, and would pass them on?

A. Yes sir.

MR. MOOG: You were recording bets end?

A. Yes sir.

Q. But this was at a later stage, you were telling the Commissioner about.

A. Um,hm.

THE COMMISSIONER: I suggest toyou, thatyou had a number of sheet writers, and you finally ended up writing the sheets yourself, is that right?

THE WITNESS: At this time, could I have a word?

THE COMMISSIONER: Yes.

THE WITNESS: There is a charge - - -

THE COMMISSIONER: I know what you are referring to.

THE WITNESS: This charge is pending - -

THE COMMISSIONER: Just a moment, now. There is a charge pending against him now, that's

what he is talking about.

THE WITNESS: I am just convicting myself when I get up here with the publicity of these details brought out here. Its quite unfair. Its a charge of conspiracy - - -

THE COMMISSIONER: Just a moment, now. When is your trial - the conspiracy charge coming up?

A. On Wednesday.

THE COMMISSIONER: Which Wednesday - next Wednesday?

A. Yes. I think it is quite unfair - - -

THE COMMISSIONER: Just a moment now. What charge against you is now pending?

A. Conspiracy to run a gaming house. The people whose names are concerned - when it is brought in the people are charged with conspiracy - -

THE COMMISSIONER: What do you say with respect to that, Mr. Hogg?

MR.HOGG: Well - -

THE COMMISSIONER: How long has this charge been pending?

THE WITNESS: I understand that the Crown remanded the last two times.

MR. HOGG: When was the charge laid - when wereyou arrested?

A. In the fall.

MR. HOGG: Early fall?

THE WITNESS: No, the late fall. I believe December the 10th, or 11th.

THE COMMISSIONER: Well, Mr. Hogg.

MR. HOGG: I suppose there are two aspects to this. The first is the evidence this man is actually going to give in the witness box.

THE COMMISSIONER: When?

MR. HOGG: Now, concerns some charge he faces. The second part of it would concern the publicity that would be attendant, perhaps on him testifying here, he might feel the influence of - - -

THE COMMISSIONER: Of the danger, Mr. Hogg, I see it.

MR. HOGG: Any jury, now I suppose, if this matter which is considered important, I mean by that I suppose if there is some attendant publicity, that it would be grounds for this man asking for an adjournment, but it seems to me we are getting now into the very gist of what the - -

THE COMMISSIONER: Undoubtedly. He is entitled to a fair trial. When does it come on?

A. There is an extreme amount of - - -

MR. HOGG: Well, we are concerned with the second aspect I mentioned, that is the attendant publicity, perhaps this witness

could be examined in camera.

THE COMMISSIONER: Are you suggesting that?

MR. HOGG: Well, I suggest that this is one possible alternative to the difficulties we are entering into.

THE COMMISSIONER: Is it Wednesday of this week that your trial comes on?

THE WITNESS: Yes sir.

THE COMMISSIONER: Only two days hence.

MR. HOGG: I wonder, Mr. Commissioner, whether I could leave this particular aspect for the moment, and deal with some other matters with this witness, and then - -

THE COMMISSIONER: We will see what the matters are.

THE WITNESS: Actually up to now, I think there has been an extreme amount of damage done to the trial pending, when there are names named, and one of the men is one of the main defendants in the charges down there. The name is linked with mine up to now, two names have been brought into it already, they are also charged.

MR. HOGG: It seems that the difficulties arising - - it would appear that these cases haven't been proceeded with, with perhaps the speed that some of the others have. I am not suggesting that this is done

improperly, but nonetheless it just seems to be a fact. It will be coming up in two days, but the charge being what it is, he may well have the right to elect trial by a higher court. Should they elect - - -

THE COMMISSIONER: Are they committed for trial.

THE WITNESS: No sir.

THE COMMISSIONER: You haven't been committed for trial.

THE WITNESS: No.

THE COMMISSIONER: There has not been a preliminary hearing.

THE WITNESS: No sir.

MR. HOGG: My understanding is that the next Grand Jury would not sit - I can't speak for Oshawa, but I don't think here, until the sittings in the fall, until September. This is the Metropolitan area, but I can't speak for the area in which this man is charged, and then presuming that there is a true bill, this might not well be tried until late in the fall. If there is an acquittal it would be all right, no doubt, but if there was a conviction, then the matter might be appealed, and it would be three or four years before this matter was terminated.

THE COMMISSIONER: I wouldn't be perturbed over it if there was an acquittal.

MR. HOGG: No, it is the conviction, and the case is appealed - - -

THE COMMISSIONER: I wouldn't be perturbed over that.

MR. HOGG: But in any event, Mr. Commissioner, it is felt that the matter will not come to trial until September or October.

THE COMMISSIONER: Yes. I am prepared to postpone this until next week or something, if the matter wasgoing to be disposed of.

MR. HOGG: I don't know whether the witness is objecting to the attendance - whether he is objecting to the fact that he is testifying about matters that he is charged with as such.

THE WITNESS: Well I understand that the evidence I am giving can be held against me in the court down there, but I also have to take into consideration that the papers, the write up in the papers, and that people will be reading the papers, and there is no point in even having a trial down there.

THE COMMISSIONER: I wouldn't say that - - -

THE WITNESS: If they are reading the evidence I am giving here today.

MR. HOGG: Well first of all I

might tell you that what you say here cannot be used against you on the other charge - - -

THE COMMISSIONER: Don't get into an argument with the witness.

MR. BREWIN: Sir, what I am wondering, that if this cross-examination on this aspect is postponed indefinitely to the future, it would seem to me that the Commission and everybody else would be seriously damaged - I don't think that this witness should be asked to expose all these matters just a few days before the trial. I think it would be prejudicial to his trial.

THE COMMISSIONER: I think so.

MR. BREWIN: And in fairness to him, I don't see what harm can be done, by letting this matter stand for the next week. I have some things I want to cross-examine on - -

THE COMMISSIONER: How much later - that is the point.

MR. BREWIN: Well, if we wait we will see, I suppose. I have some questions I did want to ask, but they have nothing to do with this.

MR. WILSON: I think, Mr. Commissioner, that on Wednesday, a further adjournment will be asked by Mr. Sedgwick, or on behalf of Mr. Sedgwick, who is engaged on another trial, and he will be asking for two weeks adjournment

at that time.

THE COMMISSIONER: I have another thought, and I would like to know what counsel thinks of it. Supposing we take that part of the witness' examination in camera.

MR. WILSON: Well, I think that may be the solution.

MR. HOGG: Yes.

MR. BREWIN: I think I expressed to you the unhappiness to see a public inquiry being held in camera, but I won't press anyobjection.

THE COMMISSIONER: Circumstances maymake it m necessary.

MR. BREWIN: Istill maintain my unhappiness about a hearing, if it is a public inquiry, being held in camera, because sometimes it turns out it isn't in camera.

THE COMMISSIONER: You may stand down for the time being.

---The witness withdraws.

THE COMMISSIONER: Have you some other witnesses you can go on with, at the moment, Mr. Wilson?

MR. WILSON: Yes, we could carry on with another witness.

MR. BREWIN: I suppose that hearing this witness in camera would only relate to the matters connected with the

transaction, some other matters on which he has given evidence, and I see no reason - - -

THE COMMISSIONER: That is right.

MR. LEWIN: I wanted to ask himabout the thousand dollars, and I dare say, it is not anything to do with this trial.

THE COMMISSIONER: No, it mean't. You can ask him that. You can ask him about that.

MR. HOGG: Yes, there are a few questions I had on some other matters that I wanted to question on, not in connection perhaps with the charge.

THE COMMISSIONER: Could you deal with them now?

MR. HOGG: I am in your lordship's hands. There was one matter I was quite keen to ask this witness about at this time.

THE COMMISSIONER: I see Mr. Malone in the body of the courtroom, would you come forward, Mr. Malone. You appear for this witness, do you, I take it?

MR.MALONE: I am acting for Mr. Flint, my lord. And as Mr. Wilson advised, Mr. Wilson advised just a moment ago, that Mr. Sedgwick advised me on Thursday, and I have supplied Sergeant Anderson with a letter where he will be requesting a further adjournment for at least two weeks. Now whether we are proceeding by way of preliminary trial or not,

I am not in a position to say, because there are six other defendants, beside Riggs. Mr. Sedgwick is acting for Mr. Ridgely.

THE COMMISSIONER: The examination of Mr. Riggs on the matter of the thousand dollars, has nothing to do with the charge with which he is charged.

MR. MALONE: Nothing at all. He was strictly brought here on that premise, as I understood originally, of course he was at the command of the Commission and I advised him simply to come here and tell the truth, which I believe he did do, and that is the only matter which we considered would be gone into.

THE COMMISSIONER: Well, we will have him come back for cross-examination with respect to that thousand dollars.

MR. MALONE: Does your lordship wish him to remain today or - - -

THE COMMISSIONER: Well, he can. We will move forward with caution.

MR. HOGG: Mr. Commissioner, I do want to ask this witness about perhaps the general area in which he has already testified that he acted in, and that is the usual profit.

THE COMMISSIONER: Mr. Riggs, will you come forward please.

---Mr. Riggs recalled.

MR. HOGG: Q. The profits in the betting house, I am going to suggest, is between fourteen and seventeen per cent. I did want to establish this at this time.

THE COMMISSIONER: All right. Ask him.

MR. HOGG: Q. You have told us that you have been associated, Mr. Riggs, with betting and gaming for a considerable length of time. I suggest to you that the profit in a betting house, taking bets, runs between fourteen and seventeen per cent?

A. What kind of betting house would you mean?

Q. Well, booking?

A. I think you are a little on the high side, actually, it might be ten or a little less.

Q. In some cases, it might be fifteen per cent?

A. It all depends on where, and - - -

Q. Upwards of ten?

A. It all depends on what you are booking, sports or horses or - - -

Q. Sports?

A. Sports is lower - below ten.

Q. Below ten?

A. Below ten. Yes, sir. To knowledge it is below ten.

Q. Horses would be about twelve?

A. No, it all depends on what track is running. Different tracks have different percentages, and ---

Q. So actually in the same race tracks, it would be anything as high as fifteen or seventeen percent?

A. I believe it would be at Woodbine. I am not sure what the percentage is.

Q. I am not talking about Woodbine?

A. The same thing.

THE COMMISSIONER: Well, the bookie only pays the track odds.

A. He pays the same rate as the man at the race track, the percentage. At different tracks, they take certain amounts off.

THE COMMISSIONER: Yes, but the overall percentage--

A. I would say the overall percentage - I would say the average would be about ten per cent.

THE COMMISSIONER: Yes, but the track pays certain odds, and some deductions are made before the odds are determined?

A. Yes.

THE COMMISSIONER: You don't have to take care of any percentage overhead, like the track does?

A. No, but the percentage which they take off on betting is what I am talking about, is not extensive that come after.

THE COMMISSIONER: I am not too familiar with it. Carry on. I have read a alittle. Counsel have informed themselves more than I have.

MR. HOGG: I wonder, Mr. Commissioner, what your ruling - what would your ruling be so far as me questioning this witness about the Vets Club, which I dont think anyone has suggested is a bookmaking establishment. I will have a series of questions about the operation of the Vets Club.

THECOMMISSIONER: Well, I will rule on them as you ask them.

MR. HOGG: It was gone into, I believe, by Mr. Wilson, and I will try to steer clear of the Jordan Club.

(Page 4520 follows)

C/1/AS

Q. Now, you were first associated with the Vets Club in Cooksville when?

A. I can remember the Alpha Club, and the Vets Club charter preceded that out there.

Q. When I am talking about the Vets Club, I am applying that to the Vets Club at Cooksville.

A. That is right.

Q. No matter what name that had?

A. That is right.

Q. When did you first become associated with the Club at Cooksville?

A. It would be in the early 50's.

Q. 1952?

A. Possibly.

Q. Round there. And you were one of the partners, Mr. Riggs?

A. No, sir.

Q. You were not?

A. No, sir.

Q. Who was in there before you?

A. Mr. McDermott and Mr. Feeley; they werebeth before me.

Q. When did they get in there?

A. They were in there previous to me; I do not know exactly when they went in.

Q. Two or three years?

A. Possibly.

Q. Four or five years?

A. Possibly; I don't know.

Q. You came in about 1952?

A. 1952, or maybe a little later than that; or 1953 (the witness made an inaudible remark).

Q. And who?

A. Mr. Midgely.

Q. Mr. Midgely?

A. Maybe I am wrong; but that is the same problem again.

Q. Why?

THE COMMISSIONER: Q. Why?

A. Mr. Midgely is one of the defendants.

Q. He is not charged in connection with the Vets Club.

MR. HOGG: Q. Was there anybody else in there, except McDermott ---

A. No.

Q. And Feeley, when you came along?

A. No, sir.

THE COMMISSIONER: Q. Did you not mention you were in there before ---

A. At the same time.

MR. HOGG: Q. So, McDermott and Feeley had the whole thing?

A. I could not answer that.

Q. Do you know of anyone else?

A. No, sir.

Q. You would have known, if there had

been anybody else?

A. Not necessarily.

THE COMMISSIONER: Q. What about Franz?

A. I don't know whether he was the steward out there at that time.

MR. HOGG: Q. Witness, McVety is just an employee? A flunkey?

A. That is correct.

Q. Then you and Midgely - - By the way, who was Ryan? Do you know him?

A. I don't know Ryan at all.

Q. Never met him?

A. I might have met him once, in the last twelve years.

Q. What was his first name?

A. Jim, I think. Jim Ryan.

Q. Jim Ryan?

A. I think so.

Q. What about Joseph Ryan? Joseph B.? Do you know a Joseph? Do you know a Joseph B. Ryan? There is James Ryan?

A. That is what I understood the name was.

Q. You do not know his connection, if any, with the club?

A. I did not know he had any connection there, whatsoever.

Q. Now, we have got to the point where there are four of you there; Feeley, McDermott, Riggs and Midgely; and at a later

stage, somebody else came in. Is that right? And got a piec_e of it?

THE COMMISSIONER: Is that what?

MR. HOGG: Q. Bluestein was there; Maxy Baker had a piece of it?

A. I have no knowledge of him having a piece of it.

Q. You have no knowledge of him having a piece of it, out there?

A. I saw him out there.

Q. Yes, he was bag-man for awhile, was he not?

A. I don't understand!

Q. Who carried the money?

A. Not Baker.

Q. Who did?

A. Not to my knowledge.

Q. You say not Baker? Who did?

A. Feeley.

Q. Feeley?

A. Feeley used to look after the money.

Q. All the money?

A. Yes.

Q. When he was away, who looked after it?

A. McDermott was usually there, when he was away.

Q. When the two of them were away, who looked after it?

A. It all depends; sometimes there was not anything doing out there, when they were away.

Q. And sometimes there would be?

A. Maybe we would have a fade game, if they were not there.

Q. And sometimes there would be a game?

A. I recall very seldom having any other kind of game when they were away; only a fade game.

THE COMMISSIONER: Q. Why?

A. Because Feeley used to look after it, and when there was nobody there, there was nobody organizing.

Q. What do you mean by "look after it"? Do you mean, carry the money bag?

A. There had to be somebody there to look after the business, and whoever was in with the game, had to pay them if they won, or if they lost; to pay their losses.

MR. HOGG: Q. Witness, you described Feeley as the bag-man?

A. Yes, I would.

Q. Would you?

A. Bankroll man.

Q. The man who carried the money?

A. That is right.

Q. You know what I am trying to get at, don't you?

A. This is the first time I ever heard the expression, to tell you the truth.

Q. You have never heard of that expression before?

A. No, sir.

Q. Who carried the money to and from the club?

A. Feeley.

Q. Now, when you and Midgely got a piece of the club, what size of a piece did you have?

A. We never had a piece of the club; we never had a piece of the club out there.

Q. What did you have?

A. Not the club proper.

Q. You know what I am talking about. About having a piece of the club; a piece of the profits.

A. We gambled out there, yes. We gambled out there, both sides of the table.

Q. Witness, first of all you said McDermott and Feeley were the men out there?

A. That is correct.

Q. And then you said that you and Midgely moved in and there were four. Now, what did you mean by "there were four of us"?

A. We were all out there. I used to frequent the place, but I was not a partner out there.

Q. So were hundreds of people out there;

what did you mean by "there were four of us"? What distinguished you from the rest of the people that went out?

A. There was no distinction. We were members,the same as the rest of them.

Q. When you told the Commissioner "there were four of us", what did you mean?

A. That there was - wait a minute. You said there were four of us out there.

THE COMMISSIONER: No ---

THE WITNESS: There were more than that.

THE COMMISSIONER: Q. No, no, no, witness. You know what we are talking about; McDermott and Feeley and yourself and Midgely operated the game for the house.

A. We operated the game.

Q. Yes, that is what Mr. Hogg is talking about.

MR. HOGG: Q. Four of you at this point. Is that right? Look, witness: McDermott and Feeley have entered pleas of guilty to running a gaming house out there.

A. That is right.

Q. So that they obviously had a piece of it; isn't that right? There is no question about that, is there? You have already sworn to that.

THE COMMISSIONER: If you are going to ask him a question, give the witness a chance to answer it.

Did I properly state a moment ago, that there were yourself and Midgely and McDermott and Feeley?

THE WITNESS: We were out there.

THE COMMISSIONER: Q. Together you operated a game?

A. We operated the game, yes; when one was a bank game, we helped them operate it. We put in the money with them.

Q. That is what I am saying; Feeley, he was in as an accomplice, so to speak. He carried the money and he paid off the bets and he received the bets and so on and so forth. Is that what you mean?

A. He was the overseer; he was the one that was the overseer, let us say.

MR. HOGG: Q. Now, what percentage would you have of the profits, after you came out with Midgely?

A. There was no special profits; at different times we had different partners, and we had larger profits at one time than another.

Q. What piece did you have, when you and Midgely first went out there, and there were the four of you. That is the word I want, "piece".

A. Do you mean, of the game?

Q. What did you mean?

A. We had nothing to do whatever with

the operation of the club.

THE COMMISSIONER: Q. All right. The game.

A. All right; as far as the game was concerned, if we went out, and we were both out on the same night, if we took 50 per cent of the game we got 50 per cent of the profits. If we took 30 per cent, we got 30 per cent of the profits. If we took 10 per cent of the game, we got 10 per cent of the profits.

Q. You talked to Feeley from night to night; from time to time?

A. Yes, sir.

Q. But nobody else got into it, except you and McDermott and Midgely?

A. There were times when others took pieces of the bank.

MR. HOGG: Q. Who else took pieces of the bank?

A. I do not recall if - I do not recall offhand who that would be.

Q. You would have to split with them?

A. Feeley used to look after it. I used to do my business with Feeley, if we had a bank game, and I took my 10 per cent with it. We put up $5,000 or $3,000 or $1,000, or whatever it was, and put up the 10 per cent, and that is what I would get, profit or loss, corresponding.

Q. When would a meeting take place, to determine who was going to get what piece on a particular night?

A. We had arranged that amongst ourselves, after we got out there.

Q. That would be determined on the amount of money that you put up?

A. That is right.

Q. How much would be put up, in total?

A. It varied on different nights.

Q. Well, on a good night?

A. We might issue $2,000, and then have to issue $2,000 more. If you issued $2,000, and you lost it, you could issue $2,000 more. If you lost that, sometimes we quit.

THE COMMISSIONER: Q. Sometimes?

A. Sometimes they had a fade game after.

MR. HOOG: Q. $2,000? Are you serious about that?

A. You could lose $2,000; that is the total of $4,000, sometimes.

Q. Are you trying to tell the Commissioner that that is the amount that would be put up, on good nights? Only $2,000?

A. That is all.

Q. Now then, Baker or Bluestein arrived on the scene. Is that correct? That is, after you and Midgely were in there?

A. Mr. Bluestein came out there a few times. I did not have knowledge of him being a partner out there.

Q. He banked the game for awhile, or got a piece of it?

A. Not to my knowledge.

Q. Are you swearing under oath that to your knowledge he never had a piece of any game?

A. He was never active out there, to my knowledge.

Q. What did he do?

A. I only saw him on the premises three times, in the last twelve years.

Q. Your memory is clear about that three times?

A. Three or four times in the last twelve years. I don't recall seeing him out there in the last five or six.

Q. Those three times were all close together; is that right?

A. It would have been over one year, or two.

Q. And then he did not come back. Is that right?

A. I have not seen him around there for some time.

Q. And why did he stay away, Mr. Riggs?

A. I have no knowledge of why he stayed away.

Q. Was it because ---

A. People there -- people out there, they would come out there for a while and frequent the place, and stay away.

Q. You are not suggesting he came out to game and roll dice?

A. He gambled out there.

Q. Did not Papalia, John Papalia, and Zapp, and Gasparini have something to do with Baker, when he went around there?

A. Not to my knowledge.

Q. Did not they move in?

A. Not to my knowledge, they did not.

Q. Have you heard anything about that?

A. No sir.

Q. Have you ever talked about that, Mr. Riggs? Talked about Papalia and Zapp and some other Toronto hoods trying to move in? Did you ever discuss this?

A. I don't know who you mean by Zapp.

Q. What about Papalia? Do you know who he is?

A. I know him through ---

THE COMMISSIONER: Q. Through what?

A. Through Midgely. If I saw him on the street, I would know him.

MR. MOSS: Q. You have had lunch with him on one occasion?

A. I don't remember ever having lunched with him.

Q. Do you deny you have sat down and had a meal with him?

A. I do not deny it, but I do not recall it.

Q. And what about having supper with him?

A. I do not recall ever having supper with him.

Q. You do not recall that?

A. No, sir.

Q. Do you recall being in the bar with him, and having a drink with him?

A. No sir, I do not.

Q. Are you swearing under oath you have never had a drink with him?

A. I am swearing that I do not recall ever having a drink with him at any time.

Q. Now, did you ever discuss with anyone the fact that Papalia was trying to move in?

A. I had no knowledge that Papalia was moving in anywhere.

THE COMMISSIONER: Who was trying to move in?

MR. HOGG: Papalia.

Q. And that was the next question: Did you ever discuss with anyone or talk about the fact that Papalia was trying to move

A. I don't remember that section.

Immediately prior thereto.

Q. Do you recall you, you are your own man and not a puppet, right?

A. I do not know if, you, I do not recall it.

Q. And that's because you're engaged

[illegible]

A. I do not recall that testimony.

Q. Do you recall being in the law firm with Lou, and having a close friend

A. No sir, I do not.

Q. Are you absolutely sure that you have never met a person [illegible]

A. I am speaking since I've been

[illegible] having a person with Lou at the firm.

Q. Now, did you ever discuss with

Bonnie the fact that Donald was trying to move for

A. I had no knowledge that Donald

was [illegible] to [illegible].

Did [illegible] tell you that trying to

move for

MR. [illegible]:

Q. Had Lou and the [illegible]

[illegible] Lou [illegible] [illegible] [illegible]

in?

A. I have no knowledge of that, no. I do not recollect that.

Q. Are you saying that you never discussed that with anyone?

A. I do not recall discussing anything about Paplia moving in anywhere.

Q. Did you ever discuss anything about Papalia, in connection with the Cockeville club?

A. No, sir.

Q. Now, is your answer you did not or you do not recollect?

A. I do not recollect ever discussing with anybody, any of ~~the~~ Papalia's ---

Q. Might you have, and not remember it?

A. There is a possibility, but I do not remember it. I could not say.

Q. There is a possibility, though, that you did discuss and you don't remember?

A. Very remote; very remote.

Q. And then, if there is a possibility you did discuss that, witness, then you had heard something about Paplia going in there?

A. I have never heard nothing about him; to the best of my knowledge I never had any discussion about Papalia moving in to that club.

Q. You never talked about it?

A. No, sir.

Q. What do you mean when you say you might have talked about it, but you do not recollect it?

A. When I say I don't recollect it, that means that I can't remember saying anything to anybody about it; to the best of my knowledge I don't know anything about it, and I never said it to anybody or discussed it with anybody.

Q. Are you sure?

A. Yes, sir.

Q. Were you ever out at that club at the same time Papalis was out there?

A. Maybe on one occasion.

Q. What was he doing?

A. He was playing.

Q. He was there on more than one occasion when you were there, was he not?

A. As I recollect, he may have been there two or three times.

Q. More than two or three times, Mr. Riggs?

A. No, sir. He was not a frequenter of the club at all.

Q. But you were a frequenter of it; you were out there almost every night?

A. I was there, an average of four nights a week I would say.

Q. Now, did you hear any talk about McDermott and Feeley bringing in a group from Detroit, to deal with Papalia?

A. Bringing who in, sir?

THE COMMISSIONER: Anyone from Detroit.

MR. HOGG: Q. Any rackateers from Detroit.

THE COMMISSIONER: Now, now!

MR. HOGG: Q. Well, anyone?

A. No, sir.

Q. You never discussed that with anyone?

A. No, sir.

Q. You are saying you did not discuss it, or have you no recollection?

A. I have no recollection of discussing anything about that.

Q. Might you have discussed it?

THE COMMISSIONER: Well, you are going to get into the same class of answers.

Q. Do you have any knowledge of it?

A. No, sir.

MR. HOGG: Q. Do you know a man called Pancer; P-a-n-c-e-r?

A. Yes.

Q. Joe Pancer?

A. Yes.

Q. Who is Joe Pancer?

A. He is a business man from Toronto here.

Q. What does he do?

A. I believe he is running a store on Queen and Spadina; the last I knew of him.

Q. You knew him from the old Alpha Club place?

A. That is correct.

Q. The charter was owned by Razor Sullivan and Joe Pancer?

A. I don't have any recollection of who owned the charter.

Q. He was out there all the time; is that right?

A. He frequented the club, yes.

Q. And he had a piece of it?

A. He gambled out there.

Q. He had a piece of it?

A. Years ago.

Q. Yes, prior to 1940?

A. I beg your pardon?

Q. Prior to 1940?

A. 1940?

Q. When did he have a piece of it?

A. I don't know anything about 1940.

THE COMMISSIONER: Q. When did he have a piece of the club?

A. The Alpha Club, in Cooksville?

Q. Yes.

MR. HOGG: Q. In Leaside, witness.

A. I don't know anything about Leaside.

THE COMMISSIONER: Q. Well, the Alpha Club,

no matter where it was.

A. What time? What year?

Q. You are being asked the question. When did he have a piece of it?

A. I don't understand. I don't know that he ever had a piece of it at any time. You are asking me something I don't know anything about.

MR. HOGG: Q. You used to be out there, at the old Alpha Club in Leaside, is that right?

A. In 1940?

Q. Prior to 1940.

THE COMMISSIONER: Q. Leaside. At any time.

A. Yes.

MR. HOGG: Q. Yes. You worked for Kehoe out there?

A. That is correct.

Q. You were the stick man?

A. That is correct.

Q. You ceased that round about 1938?

A. I think it was round about 1941.

Q. All right. Midgely was out there --

A. Round about that time.

Q. Midgely was out there?

A. That is right.

Q. And he was stickman, too?

A. Yes.

Q. Now, Razor Sullivan and Joe Fancer were out there?

A. That is correct.

Q. Razor Sullivan had a piece of it?

A. I don't know nothing about that.

Q. Did Sullivan and Pancer appear to you to be in charge of it?

A. No, they did not.

Q. Along with Kehoe?

A. No, sir.

THE COMMISSIONER: Q. Who did appear to be in charge of it?

A. Pancer was - I don't think he was often out there, to tell you the truth.

MR. HOGG: Q. You just said he was, did you not?

A. He was around there, but I do not think -- I have ~~mm~~ seen him out there gambling, but I don't think he took any active part in it at that time.

Q. In any event, you knew Pancer pretty well?

A. Yes, sir.

Q. He is operating a store now in Sturgeon Falls, to your knowledge?

A. To my knowledge, the last store he had was on Queen and Spadina.

Q. Have you ever been away with Pancer on trips?

A. No, sir.

Q. Has he ever been at your home?

A. I do not recall him ever being

at my house.

Q. Did you ever live in Hamilton?

A. No, sir.

Q. Can you explain why Joe Pancer and John Papalia have the same address in Hamilton: 16 Railway Street?

A. I have no explanation for that.

THE COMMISSIONER: Q. Do you know whether they have or they have not?

A. I don't know if they have, sir.

MR. HOGG: I do not think it is ---

THE COMMISSIONER: Is there anything else you want to ask this witness?

MR. HOGG: There is, but I would be glad for an opportunity to review some of these notes; and I could perhaps shorten the thing up.

THE COMMISSIONER: You are thinking of yourself and not me (laughter).

MR. HOGG: I am thinking of both of us.

---Short recess.

THE COMMISSIONER: After discussing the problem that arose this morning, with counsel, I have decided that we will hear the balance of this witness's evidence in camera. Therefore, I will have to ask everyone to retire from the courtroom.

You may stay, Mr. Malone; Mr. Malone, you may stay.

---Whereupon the courtroom was cleared.

THE COMMISSIONER: Are you the only officer here? I am talking to the man in uniform.

A POLICE OFFICER: No, sir. The other officer is with me.

THE COMMISSIONER: I do not want anybody this side of the elevator.

THE POLICE OFFICER: Yes, sir.

THE COMMISSIONER: There is no objection to Inspector Hatch, and Inspector Graham staying here?

MR. HOGG: I have no objection at all.

THE COMMISSIONER: Inspector Hatch, you may remain.

(To the witness): Does that satisfy you?

A. I feel more comfortable now.

THE COMMISSIONER: All right. Just for the purpose of the record, I want to say something: The courtroom has now been cleared of everyone except counsel; Mr. Malone, who is solicitor for the witness, and Inspectors Graham and Hatch and another police officer at the door, the reason being that there is some charge pending against this witness, and it may be entirely possible that if his evidence was published in the press, that it might prejudice him at his trial.

All right; having cleared the courtroom, Mr. Hogg, you may proceed.

MR. HOGG: Q. Mr. Riggs, I would like just to clear one or two things up about your evidence prior to the recess.

First of all, when you were employed as a stick man at the Alpha Club, can you tell the Commissioner what you would be paid?

A. Yes sir, I can. It was $15 a night.

Q. By whom would you be paid, sir?

A. Mr. Sullivan.

Q. In every case?

A. Yes, sir.

Q. I understood you to say before that you worked for Kehoe?

A. He was up there; he was seldom, though, I might add.

Q. Did you ever work as a stick man at Cooksville ---

THE COMMISSIONER: Now, this Ryan. What is his first name? I think it is Razor Ryan.

MR. HOGG: Razor Sullivan.

THE COMMISSIONER: Or Sullivan?

A. Yes, sir.

MR. HOGG: Q. Who paid you?

A. Sullivan.

THE COMMISSIONER: Q. Razor Sullivan. What is his first name?

A. I think it is Ray.

MR. MOOS: Q. While you were at the Alpha Club in Leaside, were there ever any police raids on that club?

c/4 A. No, sir, not when I was there.

Q. Did you ever act as the stick man or as a stick man at the Cooksville club?

A. No. Well, not in the same category, I might say; as out there, we used to work around the table together, but we did not classify ourselves as stick men.

Q. Not as a straight employee. Were there any paid stick men out at the Cooksville club?

A. We used -- at the end of the night, we would pay the help out of what we won; if the guys would back the game, they would pay the fellows that helped them. There were two or three fellows that used to hang around.

Q. Who were those, sir?

A. There was one there; Harry Campbell. Another was a fellow by the name of Papelli.

THE COMMISSIONER: Q. Who?

A. A fellow by the name of Papelli.

Q. What is his first name?

A. John.

Q. Now does he come into this?

A. He is from Toronto; and we used to work the game; but myself ---

Q. And no other help? But Campbell and John Papelli?

A. No, sir.

Q. What is Campbell's address? Where did he live?

A. He lived in Toronto; but I think he passed away recently. Not too recently.

MR. NOGG: Q. Did George ---

A. I beg your pardon?

Q. Did George Reid work there?

A. George Reid, he worked downstairs in the kitchen.

Q. Did he take any part in the gambling operations?

A. The only part he took, he might have gambled up there.

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D/FAL/1

MR. HOGG: Q. Now, to your knowledge was the Alpha Club charter, the one from Leaside, sold to the group that were operating in Cooksville?

A. Not to my knowledge, sir, no.

Q. How was it moved out there?

A. I have no knowledge of that. It was out there before I went out there.

Q. You were associated with it before in Leaside and when you went out to Cooksville it had already been moved out there?

A. Yes.

THE COMMISSIONER: Q. Were you away for a spell? You did not seem to know much about the circumstances under which it was moved.

A. The clubs were all closed down in the early forties and I never heard at all of the Alpha Club again until I heard they were running out at Cooksville, which was maybe twelve years later, and in the intervening twelve years I had no knowledge of where the charter was. I don't think it was active.

Q. What happened that all the clubs closed down?

A. What happened?

Q. Yes. You said all the clubs closed down.

A. In 1941. I don't know what happened.

Q. Police pressure?

A. Police or political, I don't know.

I was probably young then. I was just hanging around. I don't know what the --

Q. All right.

MR. HOGG: Q. Mr. Riggs, you told the Commissioner on occasions $2,000 would be put in, initially, to bank the game. That might be your share. Is that right?

A. No, sir. No, sir, that wasn't my share. That would be what we would put in together.

THE COMMISSIONER: Q. You all chipped in and handed it to Feeley?

A. Yes, sir.

Q. In cash?

A. Well, he would issue the $2,000 and he would put down percentages and, then, we would at the end of the night either take a profit or pay a loss.

Q. He was, sort of, the treasurer for the gang. Is that what you mean?

A. That is right, yes.

Q. It was all handed over to him in cash?

A. Yes, sir.

Q. So, then, you would get some cheques during the course of the night?

A. Oh, yes, there were cheques involved, back and forth.

Q. Cheques for those participating in the game and who had lost and had to pay their

debts?

A. Yes, sir. Cheques were passed back and forth in both games. If we had a fade game there were lots of cheques passed back and forth.

Q. I am not concerned with the fade game. Where was the banking done?

A. I used to take some of the cheques and Feeley used to take some of the cheques; it all depends. Feeley would take some and I would take some of them some time.

Q. Did you have a bank?

A. Yes.

Q. Did you deposit the cheques?

A. Deposit them or cashed some of them.

Q. Where was your bank?

A. The King Edward.

Q. What was the name of your bank?

A. The Bank of Nova Scotia.

Q. What year are you talking about? At the Bank of Nova Scotia down at the King Edward Hotel?

A. Yes, sir.

Q. What years are you talking about?

A. Well, it would be -- I have had an account there for fifteen years but I would say any cheques pertaining to any gambling I did might have been -- well, pretty well ever since I have had an account there, put the cheques in and take the money out.

Q. Current account or savings?

A. Yes, sir, current.

Q. In your name?

A. Yes, sir.

MR. MOGO: Q. Did all the cheques go through your hands, or would some go through Feeley's, to be cashed?

A. Some would go through Feeley's.

Q. Did you deal with the bulk of them?

A. No, I wouldn't say that; no.

Q. Do you know where Feeley took his?

A. No, I don't.

Q. To whom would the cheques be made payable?

A. Most of them were made payable to cash, I believe. And Midgely used to take some cheques, too.

Q. And any one else?

A. Other members would wind up with cheques, occasionally. I can't recollect exactly who would have cheques.

Q. Would George Reid ever take some cheques?

A. He could have. It is possible.

Q. And Cliff Dan -- Reg Dan, I am sorry?

A. Yes, it is possible he might have.

Q. Would you deposit these cheques in your account or would you cash them?

A. I would cash them or deposit them. Both.

Q. Can you recall the greatest number of -- largest amount of cash, roughly speaking, you ever obtained at any one time, that you obtained when you went into the bank with these cheques?

A. I wouldn't hazard a guess. It wouldn't be more than a thousand or two.

Q. Would it ever be as much as five thousand?

A. No, I wouldn't say, not from there; but I wouldn't say that at some time I didn't have.

Q. Accumulated?

A. Yes.

Q. And how often --

THE COMMISSIONER: Q. That would be your share of the winnings at that particular time?

A. Yes, but not necessarily, no, because somebody might have a cheque and I would have a cheque and if they didn't want to take the cheque have I might take the cash out of my pocket and buy the cheque.

MR.HOSS: Q . You would cash cheques yourself?

A. Yes, I would cash the cheque.

Q. Would I be right in assuming you would not hold these cheques for a period of more than three or four days at the outside? One is always apprehensive of a person stopping payment.

A. They were usually deposited within

three or four days.

Q. And there were occasions, you told us, they would amount into the thousands in that three or four day period?

A. They could amount to three or four thousand. Not -- I mean -- They could amount to three or four thousand, maybe five.

Q. In a three or four day period?

A. Over a period of four days, yes.

Q. This was in addition to the money that was made in the form of cash?

A. It was never too much cash involved in a big way.

THE COMMISSIONER: Q. There have been some pretty big cheques paid by some of those who lost out there in that bankgame?

A. Most of them would be in the hundreds, I would say.

Q. But some were much larger than a thousand dollars, weren't there?

A. It is possible but very, very seldom. I don't recollect any large cheques going through.

MR. MOGG: Q. Mr. Riggs, did you deal with the same man in the bank on almost every occasion -- that is, in the King Edward?

A. No, I wouldn't say that. They used to switch the tellers around quite a bit.

Q. And that is the account you showed the Commissioner on Friday?

A. Yes.

By the way, Mr. Commissioner, I checked over the week-end. You asked me my wife's bank and I made a mistake. It is The Bank of Nova Scotia in the Kingsway. I think I mentioned it to you as The Bank of Montreal.

THE COMMISSIONER: All right.

MR. HOGG: Q. Was there any percentage limit on the amount that you could put into a bank game?

A. No, it was just a mutual agreement between ourselves.

Q. What was that, sir?

A. The percentage that we took was a mutual agreement between ourselves.

THE COMMISSIONER: Q. And it varied from time to time?

A. Oh, yes.

MR. HOGG: Q. Was there a limit on the amount you could pay in? Was there a twenty-five per cent limit or a fifty per cent limit?

A. If I was out there myself some night I might bank the whole thing, if I felt brave enough.

D/2

Q. Did you have a lawyer, Mr. Riggs, handling your financial affairs? Did you ever leave money in trust with any lawyer or solicitor?

A. Not that I recall.

Q. Does anybody hold either money or

property in trust for you?

A. Not that I recollect, no, sir.

THE COMMISSIONER: Q. Right now does anybody hold any assets in trust for you?

A. No, sir.

MR. HOGG: Q. Who was the solicitor who looked after the club at Cooksville? Who did you regard as the club lawyer?

A. I believe that -- I believe Mr. Herman was the lawyer. I am not too sure on that, but I believe.

Q. Was he out there on occasion?

A. Mr. Herman or Mr. Gebirtig, I am not sure.

Q. Was Mr. Herman out there on occasion?

A. Not to my knowledge.

Q. Did you ever attend at his office on club business?

A. I was in his office on one occasion, but I forget. It was with regards to a charter of some sort, but I don't recollect the club it concerned.

THE COMMISSIONER: Q. Were there other clubs you were interested in besides the Centre Road Club and the Alpha Club?

A. And the Jordan.

Q. And the Jordan?

A. Yes, sir.

Q. Was there any others?

A. No, sir.

MR. HOGG: Q. Was it one of those clubs the Commissioner has mentioned?

A. Yes, it would be one of those.

Q. It might have been the Jordan, the Vets Club or --

A. Or the Alpha Club.

Q. -- or the Alpha Club?

A. Not particularly the Alpha because I didn't -- That was kind of before my time.

Q. Mr. Herman was the solicitor for the Jordan Club as well. Is that correct?

A. I am not too sure on that, no.

Q. What about bad cheques that would be received in the course of an evening, what was done with them?

A. Well, if we didn't get paid for them, naturally, whoever was involved with them would have to pay their end of it, or suffer the loss in regards to their percentage out there.

Q. What happened to the physical cheque, to whom would it be handed, a bad cheque?

A. Usually whoever went out with it in their account -- If I put one in and it came back I would usually wind up with the cheque, one way or the other, or Midgely, or Feeley the same way.

THE COMMISSIONER: Q. Did your group have a collector?

A. No, sir.

Q. No?

A. That is not correct.

Q. Never sent Papalia out?

A. No, sir. No, sir, not to my knowledge.

MR. HOGG: Q. What about Chubby Schwartz?

A. The name seems familiar by the sound of it.

Q. He was rumoured to be a collector in some gaming operations.

A. Not to my knowledge, sir.

THE COMMISSIONER: Q. In what connection did you know him?

A. I just knew him, let us say, as a character around town. I never did any business with him.

Q. What kind of a character?

A. Well, a gambler, and so forth.

MR. HOGG: Q. And a collector?

A. No, sir, not a collector. As far as I knew he never collected.

Q. He did not have that reputation as far as you knew?

A. Well, no, not as far as I know.

THE COMMISSIONER: Q. He is sort of a strong arm man, isn't he?

A. Well, he could be, but he never bothered me.

Q. He never bothered you, but did he ever help you?

A. No, sir. No, sir.

MR. HOGG: Q. I suggest to you, Mr. Riggs,

he had the reputation - I am not saying in connection with what - but he had the reputation among everyone as a collector and strong arm man. You did not have to be a gambler to know that?

A. He could have.

D/3 THE COMMISSIONER: Q. You know him as such, didn't you?

A. Well, in a way, yes, but that was his -- .

Q. What do you mean "in a way"? Be frank with us, the courtroom is cleared.

A. You could classify him as that but I never done anything with him.

MR. HOGG: Q. His specialties were a hammer or a bottle?

THE COMMISSIONER: Specialties?

MR. HOGG: Yes, Mr. Commissioner; hit a man over the head with a hammer or bottle.

Q. Isn't that correct, that is what he is rumoured? I am not suggesting you sent him out.

A. I don't know. I never heard of him hitting anybody.

Q. You never heard of him hitting anybody?

THE COMMISSIONER: Q. You were going to say something?

A. No, sir.

MR. HOGG: Q. Mr. Riggs, would not some effort be made to collect on these bad cheques,

at least to the extent of a phone call?

A. Oh, I wouldn't deny that if they passed a bad cheque, anybody out there, they would be asked for the money.

Q. They would be telephoned in the normal way, if you get a bad cheque in any business, and asked to make it good. Is that correct?

A. That is right.

Q. And I suggest to you, sir, that there was somebody who did most of the phoning. Is that right?

A. We didn't have anybody particularly designated for that job, no.

Q. But, there were a few people who used to look after the phone calls?

A. No, no; that's not right.

Q. Who did phone?

A. Whoever wound up with the cheque. When the cheque was returned, if they owed money, they were asked to -- to pay the cheque, if it turned out to be no good.

Q. Did you ever turn any cheques over to any one else and ask them to see whether they could collectthat?

A. No, sir.

Q. What, finally, would become of the cheques?

A. If hope was given up of collecting, sometimes they were destroyed.

Q. But sometimes they were kept?

A. They might have laid around for a while.

Q. Where would you keep yours?

A. I used to keep mine in my pocket. There weren't that many that they had to be kept on file.

Q. Have you still got any?

A. No, sir.

Q. Did you turn them over to any one or did you get rid of them?

A. I didn't turn them over to anybody.

Q. What happened to them?

A. They were probably destoyed.

Q. You are not suggesting to the Commissioner, Mr. Riggs, that you had a loss, a net loss on the banking operations at Cooksville?

A. No, sir.

Q. What would you estimate that in 1957 you would have made from the club?

A. Well, I would only be hazarding a guess, but I just took it as an overall, general picture, the whole thing.

Q. Would it be --

A. At the end of the year if I didn't have any more money than when the year started, or any more assets, I would figure I didn't make any money. I never used to keep a file on what I would win or lose.

Q. Wouldn't it be well over thirty thousand a year?

A. No, sir, that is not correct.

Q. What is your best estimate?

A. You mentioned the year 1957?

Q. Yes.

A. That particular year I might have wound up a loser out there. I have no way of telling if I lost or won.

Q. What about 1958?

A. I could have showed a profit in 1958 and a loss in '59. Maybe three or four thousand dollars, maybe five thousand.

Q. On occasion the cheques amount to as much as $3,000 or $4,000 in a four day period?

A. That doesn't mean to say they were profit, just because they amounted to that. It wasn't necessarily profit.

Q. That is your share, you have told the Commissioner?

A. But there were losses, too. Just because you wound up with cheques it doesn't mean you had the cash. I could take ten or fifteen thousand dollars of cheques for a month and be the loser at the end of the month. It isn't -- It wasn't the only place to gamble. You had many a loss out there, besides wins.

Q. Where did you get the money to pay for your losses, then, if you were losing three or four thousand dollars on occasion?

THE COMMISSIONER: From his wins.

Q. That is the answer?

A. That is the way I tried to explain it.

MR. KOEN: Q. Could you estimate what that club would make in profits in a year?

A. I couldn't estimate, no. Some members would make more than others.

Q. That club was raided frequently?

A. That is correct.

Q. And were not instructions issued to the patrons, as to what to do in the event of a raid?

A. Yes, sir.

Q. And would you tell the Commissioner what those instructions were?

A. They were told in case the police came out there, if there was a bank game, to go over and sit down and play cards; and if it was a fade game, well, sometimes we would quit playing, even with a fade game. Sometimes we didn't.

Q. Now, there were people who played out there who, because of their position in the community, didn't want to be caught in a police raid. Is that correct?

A. Not to my knowledge there wasn't.

THE COMMISSIONER: I suppose anybody who played there did not want to be caught by a police raid.

MR. KOEN: Q. Did you ever have any prior

knowledge of a raid or did anybody suggest to you that a raid might take place?

A. No, sir. It wasn't necessary, for one thing.

THE COMMISSIONER: Q. Why?

A. By the time the police would get in we wouldn't be doing anything that would be illegal.

MR. HOUG: Q. What happened to the gambling paraphernalia?

A. We only used a pair of dice, that is all.

Q. What about the layout cards?

A. Well, we used to have a deck of cards we put down to keep track of the numbers.

Q. Who would look after them?

A. Just an ordinary deck of cards. One of us would.

Q. These records Mr. Feeley kept you have told us about, what happened to them?

A. Well, he would -- Anything like that he would just put in his pocket, that is all. Whoever had the dice would put the dice in their pocket.

Q. Mr. Feeley would be searched when the police arrived, wouldn't he?

A. I don't believe so. I don't recall being searched out there when I was out there.

Q. If I may turn briefly to the Jordan Club. When you became associated with that

club who was running it, McDermott and Feeley?

A. Yes, I would say so. Actually, we went in there about the same time.

Q. That is, you and Midgely?

A. Yes.

Q. And McDermott and Feeley?

A. That is right.

Q. Did Garnett Woolsely go in, did he have a piece?

A. That name doesn't mean anything to me.

Q. Or Cliff Dan?

A. Cliff Dan was a worker.

Q. A worker?

A. Yes.

Q. What was his function?

A. He worked on the phone with McLaughlin.

Q. On the phone?

A. Yes.

Q. I am coming to that in a minute. What about Ryan?

A. Never had anything to do with it as far as I know.

THECOMMISSIONER: Q. Those who had a financial interest in it were McDermott, Feeley, Midgely and yourself?

A. And McLaughlin.

Q. When did McLaughlin come into it?

A. He was in from the start.

Q. What is his first name?

A. Robert.

MR. HOGG: Q. You were in the Jordan Club from its inception?

A. From the time it moved downtown.

Q. Who acquired the charter?

A. They had the charter.

Q. Who had it?

D/4 A. McDermott and Feeley. The charter was --

Q. How did they acquire it?

A. I have no knowledge.

THE COMMISSIONER: Q. Moved downtown from where?

A. The club was set up down on Adelaide Street.

Q. I know.

A. Well, it's an old charter. The premises, I believe that was up on Eglinton. The last premises before it moved downtown was on Eglinton at Bathurst.

MR. HOGG: Q. It was 300, wasn't it?

A. Yes, it was around Bathurst Street.

Q. That was a branch of the Jordan Club?

A. The downtown branch was taken from there and that was closed up shortly after.

Q. Did McDermott and Feeley tell you how they got the charter?

A. No, sir.

Q. Or how they moved it down?

A. No, sir.

Q. Did any one else have an interest in it, other than those people you have told the Commissioner about?

A. Well, the workers, they used to get a bonus but they, actually, weren't partners, I wouldn't say.

Q. Who were the workers?

A. The Commissioner has got their names there. Cliff Dan and --

THE COMMISSIONER: Q. Cliff Dan and who else, did you say?

A. And Reg Dan.

Q. Cliff Dan and Reg Dan?

A. Yes.

Q. Anybody else?

A. No.

MR. HOGG: Q. David Downs?

A. He was an officer there but he was just a worker. But he never worked around the club.

Q. What do you mean by "just a worker, he never worked around the club", did he work outside?

A. Yes.

Q. Taking bets?

A. Yes, sir.

THE COMMISSIONER: Q. What was his name?

MR. HOGG: Downs.

THE COMMISSIONER: What was his first name?

MR. HOGG: David Downs.

Q. Where was he stationed or located?

A. Well, he wasn't; like, taking the phone calls from the front.

Q. Yes. Where was that?

A. I don't know where it would be. He worked from a number.

Q. I am talking about the physical building, on what street was this?

A. Well, they used to change their number. I don't know where it would be.

Q. Although there was some gambling there most of the operation at the Jordan Club was that of a betting house?

A. They used to take bets there, yes.

Q. For a considerable length of time it was a recording back end itself?

A. You mean, there were bets recorded in there?

Q. Yes.

A. No.

Q. Never, sir?

A. No.

THE COMMISSIONER: Q. Witness, tell me frankly, how that thing worked?

A. If anybody made a bet they would make the bet in the club. If the member was in the club and wanted to make a bet they would call it to somebody, who would tabulate the bet.

Q. They would call it. Joe Doe is in the club and wants to bet $10 on a football

game. Who would they pay the money to?

A. To the person in the club.

Q. Who was that man?

A. That was McLaughlin.

Q. What would McLaughlin do?

A. He would call the bet into the back end.

Q. He laid it off some place?

A. Yes.

Q. Where did he lay it off?

A. To the back end.

Q. I want to know where the back end is.

A. They changed from place to place.

Q. Who was the man?

A. Reg Dan.

Q. And who else?

A. And we used to call him Scotty Downs.

Q. Scotty Downs. How would McLaughlin in the club know where to reach Reg Dan or Scotty Downs?

A. They would call him and give him the number where they were at.

Q. Yes. And where did they lay the bet off?

A. They would tabulate it; they wouldn't lay it off anywhere.

Q. They simply recorded it. Then, Joe Doe won that bet in my illustration, what is the procedure for collecting?

A. He can come in the next day, or call,

and McLaughlin would pay him.

Q. Who held the $10 in the first place, McLaughlin?

A. Yes, sir.

Q. I see. Well, in substance, then, that bet was not laid off?

A. Just tabulated.

Q. Where were the bets laid off?

A. We didn't lay any bets off.

Q. You did not lay any bets off at all?

A. No.

Q. What would be the total amount, on an average, of the bets made at the Jordan Club per day?

A. Oh, it's hard to say. Some days there would be more than others.

Q. What would be a typical day?

A. An average maybe eight hundred, a thousand a day.

Q. Who financed that?

A. We did.

Q. Yes. Who is "we"?

A. The names of that --

Q. Yourself?

A. Yes.

Q. Name the rest of them again, just for my benefit?

A. Midgely and McLaughlin and McDermott and Feeley.

Q. Yes. How were the -- Who fixed

the odds, in the first instance? Joe Doe comes in and wants to put a bet on the Detroit Lions. Who fixed the odds?

A. McLaughlin used to look after getting the odds.

Q. Where would he get them? He would have to have some knowledge of the odds he gave?

A. Yes, sir.

Q. How would he get them?

A. He would call a spot in Chicago; I think it is some kind of a service down there.

Q. In other words, by long distance telephone?

A. Yes.

Q. Was this wire service that was in the Jordan Club used for any purpose as far as odds is concerned?

A. No.

Q. Would not the odds change from hour to hour?

A. No, sir.

Q. Would the odds be the same at 9.00 o'clock in the morning as at 12.00 o'clock noon?

A. Pretty well.

Q. What was the name of this place in Chicago?

A. It was the Capland.

Q. What was the name of the service?

A. That was the name of it, Capland's.

Q. Capland's what?

A. Capland's Sports Service; something like that.

Q. Was that the only place where the odds were obtained?

A. Yes, sir.

Q. When would McLaughlin ascertain what the odds were?

A. Around noon. The noon hour.

Q. Around noon hour of the day the game was being played?

A. Yes, sir.

Q. Was that the only service you had for ascertaining what the odds were?

A. Yes, sir.

Q. To whom was the telephone call charged? When McLaughlin telephoned the Capland Service in Chicago?

A. I couldn't answer that, I don't know where they were charged. I don't know whether

D/5 they were charged to the club or not; I couldn't say.

Q. Was there some sort of a code system between the club and the Capland Service?

A. No, sir, it's -- Anybody can call there if they have the number. As far as I know, it is legal down there. The same odds that you would find in the newspaper.

Q. Do you find the odds on a football game in the newspaper?

A. Yes, sir.

Q. Now, were bets taken from the Jordan Club from outside the city?

A. Mostly it was local. Mostly it was the members.

Q. Weren't there also bets taken from the city at the Jordan Club, telephoned in?

A. It's possible, because the members might call in from anywhere. If they were from New York they might pick up the phone and call in. We didn't take any bets from any strangers, you might say from the other side.

Q. Not strangers. There is always the chance a stranger might be caught?

A. It's always pretty risky.

Q. Without knowledge of who were betting and who were not members of the club?

A. That is correct.

Q. And some of these persons were outside the City of Toronto, quite some distance removed from Toronto; weren't they?

A. They could be, but our business was mostly for the members.

Q. That was the big part of your business, I grant you; but a substantial part, also, was from outside the city?

A. No, sir.

Q. What part of your total business would be from outside the city?

A. Less than ten per cent, I would say.

Q. What was the connection between the

betting operations in the Jordan Club and Montreal, tell me all about that?

A. You mean, -- Well, there would be a bookmaker down in Montreal who might want to call up there to get, maybe, a price off us, or check a pitcher, or something coming through on the ticker.

Q. I did not hear you.

A. Check a pitcher, like, a baseball game.

Q. A baseball pitcher?

A. Yes.

Q. Why would he do that through you?

A. Well, they weren't serviced with tickers.

Q. So the ticker in the Jordan Club, that was an advantage you had the man in Montreal didn't?

A. That is right.

Q. I was thinking of something else in connection with Montreal I wanted you to tell me about. What was the other connection in Montreal?

A. I don't know of any connection in Montreal. We didn't have any connection in Montreal.

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E/1/D.O'N

THE COMMISSIONER: Q. There was people operating in Montreal, the same as you were operating here,and from time from time you were communicating with one another, that is what I am talking about. I want to know what the subject of the communciations were?

A. Well, that is what I was saying. They would call up for information from us, and we would call back there in communication with them and check on prices and check information from the ticker.

Q. So that someone in Ottawa, for example, wouldn't get better odds in Montreal than he could get in Toronto?

A. That is correct.

Q. That was the purpose. Now then, what other places operated in conjunction with you in the same way that Montreal did? Take Hamilton for example. Where did they get their odds?

A. We didn't do anybusiness with anybody in Hamilton. I don't know of anybody down there.

Q. Well, there was some connection between the Jordan Club and Rochester, wasn't there?

A. Not to my knowledge.

Q. Not to your knowledge?

A. No sir.

Q. This wire service from

Chicago, or the odds service from Chicago, that was a service that was provided all over Ontario, wasn't it? To the people who were operating?

A. It was all over North America.

Q. I am speaking of Ontario?

A. Yes.

Q. If you had a wire service, that was a great advantage over the other betting establishments?

A. That is correct, yes.

Q. Pardon?

A. Yes.

Q. And that was one good reason why you didn't want the service discontinued?

A. That is right, sir.

THE COMMISSIONER: All right.

MR. HOGG: Q. The Commissioner was asking you, Mr. Riggs, about whether these bets were phoned out to the Jordan Club. Do you know a Sidney Trainster?

A. No sir.

Q. Am I pronouncing it correctly? Trainster?

A. The name doesn't mean anything to me.

Q. Well, for a while you had recordings going on back into an apartment onJameson Avenue, did you not?

A. Not with regards to the Jordan Club.

THE COMMISSIONER: Q. Only in regards to what?

A. To the Oshawa.

MR. HOGG: Q. And that name I mentioned doesn't - - -

A. No sir.

Q. Who was out at that apartment on Jameson Avenue?

A. There was Reg Dan.

THE COMMISSIONER: Q. You spent a lot of your time down around the King Edward Hotel for the purpose of picking up these bets?

A. No sir, I didn't pick any bets up at all. I may have straightened out a few members.

Q. You paid them off?

A. I might have met a member over there and saved them a trip to the club.

MR. HOGG: Q. I suggest to you, Mr. Riggs, that the total betting on an average would not be one to two thousand, as you indicated to the Commissioner, but would be in the neighbourhood of twenty thousand?

A. Well, that is not correct.

Q. Have you any knowledge of what it would be?

A. I would only be surmising.

I don't know. I didn't keep track of that. I was more interested in the total outcome than in the amount that went in it by the day.

THE COMMISSIONER: Q. How much of your time did you spend at the Jordan Club?

A. Very little time.

Q. Well, how much?

A. Maybe an hour in the afternoon. During the evening I might drop in for an hour if there was anything doing.

Q. You had two hours lunch at the King Edward and an hour in the afternoon at the Jordan Club. I am just wondering how much of the day you spent - - -

A. In business?

Q. Selling potato chips. That was just sort of a sham, wasn't it, to be quite frank?

A. No, it wasn't.

Q. What?

A. I used to do quite - - -

Q. You used to fiddle along with it, but it was just sort of a sham. I use the word "sham". Isn't that a fact?

A. Well, it was a job.

Q. I know, a job in name. You didn't work at it. I expect you to be frank. Isn't that a fact?

A. Yes sir.

Q. Then do you still swear you got $100. a week from Price?

A. Yes sir.

Q. For doing what?

A. For working.

Q. But you weren't working. You just told us this was just sort of a sham. What was he paying you for?

A. For the business I used to bring in. I used to bring in business.

Q. Oh, I know. You would bring in perhaps a trifling little bit of business during the course of a month. What was he paying you $100. a week for?

A. For bringing in the business.

Q. The business you would bring in probably wouldn't make a profit of $100 a week; isn't that a fact?

A. I wouldn't say that.

Q. Well, would you deny it?

A. Yes.

Q. That the business that you would bring in each week would make a profit of $100 a week?

A. I never used to keep track of it.

Q. You never used to keep track of it. But you were spending an hour or two at the King Edward Hotel and an hour at the Jordan Club and running around inconnection with

these bets, and up at your home taking bets. There was some reason for getting $100 a week from Price and it wasn't in connection with the business you were doing? What were you doing? Tell me? I want to know.

A. It was in respect of all the customers Iturned over to him.

Q. Then he lost a lot of money on you, I would suggest, if that is so. And you worked for him for ten years getting $100 a week. Is that your story?

A. Yes sir.

Q. Do you expect me to believe that?

A. Yes sir.

MR. HOGG: Q. Customers, gambling customers?

A. Pardon?

Q. Were they gambling customers?

A. No, I wouldn't say they are gambling customers.

THE COMMISSIONER: Q. When you were staying at the Evelyn Street address, taking bets, were you getting $100 a week from Price?

A. No. I only worked there one afternoon that week on Evelyn Avenue. Only there one afternoon.

Q. One afternoon per week?

A. No sir, just the one day.

Q. Pardon?

A. Just in there one day.

Q. You were only taking bets at Evelyn Avenue that one day?

A. That is correct. That is the day the police come in.

Q. Now, Witness. Where did you take them on the other days?

A. That wasn't my job, working in the back there. The reasonI was there that day, was because there was an arrest made the previous day.

Q. Where?

A. On Claude Avenue, an apartment on Claude Avenue.

Q. Who was arrested?

A. The girl there.

MR. HOGG: Joyce - - I am sorry, Mr. Commissioner.

THE COMMISSIONER: Q. The police were lucky having caught you on the one and only day you were there?

A. That is correct. I believe they had a wire tapping of some kind or an electrical gadget put on the phone and they found out when the call would be made and came up.

Q. For that day, was Price paying you just the same?

A. I didn't have any hours with

him to check in and check out.

Q. That is a strange arrangement. You would be getting $100 a week from Price for selling potatoes and you didn't spend any more than half a day, half of every day, if thatmuch, working at it. There was some other connection with Price, wasn't there?

A. Nosir.

Q. None whatever?

A. He had nothing to do with the Club.

Q. You pledge your oath, there is no other connection with you and Price?

A. Yes sir.

Q. That resulted in you getting $100 a week?

A. No sir.

Q. You do or do not pledge your oath to that effect?

A. Yes sir.

MR. HOGG: Q. You told the Commissioner you were getting him customers. Can you name one customer?

A. Just generally, that is all. Whoever I saw to turn over an account there, I would.

Q. But you are unable, as you told us, earlier this morning, to name one?

A. Yes sir.

THE COMMISSIONER: Q. Now, getting

back to this Kaplin wire service. Did you pay so much a month for that?

A. Yes sir.

Q. How much was it?

A. I don't recollect what it was. I don't know.

Q. You would have some idea what it would cost you?

A. It was just a nominal fee, $15., $20.

Q. For what?

A. For a week.

Q. Whether you used the service or not?

A. Yes sir. I never looked after that. I am not too familiar with it.

MR. NOGG: Q. The apartment on Jameson Avenue which was recording bets; is that correct?

A. No sir. That was - - they were accepting bets there. Not recording them.

Q. Would I be right in thefact that the sheets there would show over $800,000 worth of bets - - $80,000 , I am sorry, in a four day period? These are documents, I understand, that were seized.

A. $80,000 worth of bets?

Q. Over a four day period, sir?

A. From Jameson?

THE COMMISSIONER: Q. Yes.

A. I never used to see the sheets. I don't knowwhat would be there.

Q. It wouldn't surprise you if they amounted to that, would it?

A. Well, coming and going, it probably could.

Q. What do you mean, coming and going? You mean on the average?

A. The average.

MR. HOGG: Q. This is all coming, Mr. Witness. Right?

A. I didn't see the sheets.

THE COMMISSIONER: Q. No, but it wouldn't surprise you if they totalled $80,000?

A. There was $80,000 worth of action on there for a week or so?

MR. HOGG: Q. Four days?

A. It is possible.

Q. With the name "Jordan Club" on the top of them. That wouldn't surprise you?

A. That is possible.

Q. Now, on the Claude Avenue address, that was - - - -

THE COMMISSIONER: Excuse me.

Q. How many people would be phoning into the Jameson Avenue number?

A. Well, the Jameson Avenue number that was - - - -

Q. That is where the bets were recorded?

A. No, that is a different case than the Jordan Club.

Q. All right. That is a different case than the Jameson Avenue. How many people would be telephoning bets in there?

A. I don't know off hand how many it would be.

Q. Roughly?

A. Maybe twenty, twenty-five.

Q. Well then, Dan was at the Jameson Avenue address?

A. Yes sir.

Q. He would have to know the names of those who telephoned him, wouldn't he?

A. Yes.

Q. How were those bets paid off if the bettor won? Who did the paying?

A. Well, Dan would pay in the mornings, sometimes.

Q. Who would he pay?

A. The customers that called in.

Q. Wouldn't he see the customers?

A. He would go around to them, yes. It wasn't necessary to be paying and collecting every day. He would go out in the morning. He wouldn't have to be there until twelve o'clock.

Q. Would he go and look up the man who got in touch with the fellow downtown and placed the bet at the Jameson Avenue address? How would he recognize the bettor?

A. They would all be known to him. All the bettors would be known to him. It wouldn't bessmebody he didn't know.

Q. The man at the corner of Queen and Yonge, for example, and somebody in the City Hall wanted to place a bet. He does it at thecorner of Queen and Yonge at the newsstand. The operator of the newsstand telephones it into Jameson Avenue. Now, you would know what the system was. Now, when the man in theCity Hall wins a bet, would Dan go to the City Hall and pay him or to the man running the newsstand?

A. He would pay whoever called it into him.

Q. That is what I am saying. All he had to do was get intouch with the man who telephoned in?

A. No, sir. Most of the people who telephoned in, it was their own bets. It wouldn't be second-hand to them.

Q. But there was a lot of people who just didn't know where the bet would ultimately be placed?

A. Most of them were our own private customers and they knew pretty well.

Q. Yes. Well now, the King Edward Hotel was a rendezvous, was it not, for paying off these fellows and take the bets downtown?

A. I used to be dan there around noon hour.

Q. Thatis one place where they met to settle up the accounts?

A. That is right, sir.

Q. You were the man who did it?

A. On occasion around there I did, yes.

MR. HOGG: Q. You would also take bets?

A. Not around there, I didn't. There wouldn't be anybody around there.

THE COMMISSIONER: Q. Where did you take them?

A. I didn't accept any bets. Maybe the odd one, that is all. I wasn't around anywhere to be picking up any bets.

MR. HOGG: Q. On Claude Avenue - - -

THE COMMISSIONER: Just excuse me.

Q. I want to pursue this a bit if you don't mind. $5,000 --- how much did you say?

MR. HOGG: Over $80,000 in four days, sir.

THE COMMISSIONER: Q. Over $80,000 in four days, that is a sizeable operation, isn't it?

A. Well, it is $20,000 a day.

Q. All right, $20,000 a day. Could you and Dan finance that sort of an operation?

A. Well, it appears a lot more than - - a lot bigger than it actually is because one fellow might make ten bets this way and another fellow might make ten bets on the opposite teams and it looks a lot riskier than it actually is.

Q. I am asking you, if you and Dan were able to finance that sort of operation?

A. And Midgely.

Q. And Midgely. The three of you together, pooling your resources, you could finance that sort of operation?

A. Yes sir.

Q. You didn't have to lay it off elsewhere?

A. No sir.

Q. You swear you never laid off a bet elsewhere?

A. I never swore I never laid off a bet,

Q. Well, where did you lay it off?

A. They had to place it where they laid it off. I don't know where they were.

Q. Who is "they"?

A. The workers. McLaughlin - - not McLaughlin, but Dan, working in the front end.

Q. You knew where they laid them off. You weren't that remote from the operation?

A. I just knew them by nicknames.

Q. All right, now, I want to know who they were. You can stay here a long time until we get it, too. Now, who were they? Where you laid them off?

A. Well, I think there was only - - I don't recollect.

Q. Oh, now. You knew where they were laid off. May I remind you that you are under oath?

A. Well, there was another club that we used to - - - -

Q. I want to know the whole story. I don't want to have to drag it out of you. I want you to be frank about it.

A. Some club called the Acme or something.

Q. The what?

A. Acme.

Q. The Acme Club?

A. That was the only club we used to do business with that way.

Q. There were other places besides the Acme Club where you laid them off. We have done a lot of investigating you know, witness, which, by now, you will appreciate?

A. Yes.

Q. Now I want to know from you

who they were?

A. There was somebody in Montreal by the name of Hymie, I think, we used to do a little business with.

Q. Yes, that is a name that rings a bell with me. Keep going, now.

A. I am trying to think. I am not too -- there was another party in Montreal that used to go under the name of Gordie, I think.

Q. Hymie and Gordie. Yes?

A. And that is about all we did business with. That I can recall.

Q. There was sort of a two-way service between Montreal and Toronto, then. I suppose when they got overloaded down there, did they lay them off on you?

A. We have taken bets off them.

Q. You have taken bets off them when their books got out of balance. Well, that was a sort of mutually satisfactory arrangement, so far as you were concerned, wasn't it?

A. Yes sir.

Q. Were else besides Montreal?

A. We didn't do any other business .

Q. Just between you and Hymie and Gordie in Montreal?

A. Yes.

Q. What was Hymie's address in

Montreal?

A. I don't know, sir.

Q. How did you know where to reach him?

A. They used to just reach him by phone, that is all.

Q. When you had to settle up, where did you send the money?

A. He used to come up here and meet us in Toronto.

Q. Then, you have met him?

A. That is right, sir.

Q. What was his name?

A. I don't know what his second name was.

Q. Who did you make the cheque to?

A. It was paid in cash.

Q. It was paid in cash. All right. When the tables were reversed and you had to pay him, did you go down there?

A. No sir.

Q. He always came up here?

A. Yes sir.

Q. Are you pledging your oath you don't know his full name and address?

A. No sir, I don't. All he went by was Hymie. That is all I knew him by.

Q. Hymie?

A. Yes sir.

Q. What about Gordie?

A. That is all I knew him by.

Q. You did very well so far, when you got Hyatt and Gordie. Who were the others?

A. That is all, sir.

Q. That is all?

A. Yes sir.

Q. What is the biggest amount that they ever laid off with you?

A. It is usually in denominations of four and five hundred, three hundred. Three, four or five.

Q. What is the biggest amount you ever laid off with them?

A. It would be the same.

THE COMMISSIONER: The same.

MR. HOGG: Q. To go back to this place on Shade Avenue. Joyce Miller was there?

A. Yes sir.

Q. Alias Gereau.

THE COMMISSIONER: Joyce Miller, alias what?

THE WITNESS: I believe that was - - -

MR. HOGG: Gereau, G-e-r-e-a-u.

Q. That was the same Miller that was in Florida?

A. That was the one. That was new single then before she was married.

Q. Yes, and she was writing sheet?

A. Yes sir.

Q. For whom?

A. For us.

Q. The Jordan Club?

A. No sir.

Q. For who?

A. For Midgely and myself and Dan.

Q. Did she ever write sheet for the JordanClub?

A. No sir.

Q. Would the amount of action which she took ever be as high as 50,000 a day?

A. No sir.

Q. Never?

A/ Not to my knowledge.

Q. Forty?

A. No sir.

Q. What would you say?

A. I would say it might be in the realm of ten, on a busy day.

Q. What about the total action for the JordanClub? Here, I suggest, Witness, it was around at least twenty or $30,000 a day. The total action?

A. You mean what would be laid off and - - -

Q. You know what I mean by the action, don't you?

A. I don't think it would run that high.

Q. But it might on a number of days?

A. It could on occasion. It is possible.

Q. And very rarely went below 20,000?

A. That is not correct.

THE COMMISSIONER: Q. What would it be?

A. On a busy day it might reach there at a peak.

Q. How much is that? $20,000 you mean?

A. Yes sir.

MR. HOGG: Q. Or more?

A. No sir.

Q. You say there was never a day it went higher than 20?

A. Not to my knowledge. It is possible.

THE COMMISSIONER: Q. What is the busiest day in the week?

A. Depends on what the season was. In the baseball season or the football season. The weekends were always the busiest.

MR. HOGG: Q. Let us say there was $1,000 worth of action, to take an easy figure. What would the club or the operation

make out of that, on profit?

A. It is impossible to answer.

Q. On an average?

A. It is impossible to answer.

THE COMMISSIONER: I would think it would be.

MR. HOGG: Q. The Jordan Club was only one recording area. What other connections did the Jordan Club have? What other tie-ins as far as the recording of bets were concerned?

A. That was the only spot.

Q. Then when the Jordan Club went out of business, who carried the action on?

A. That is what we were doing, Midgely and myself.

Q. Did you ever make any telephone calls to Albany, New York?

A. No sir.

Q. Or to Rochester?

A. Nosir.

Q. You never phoned Rochester?

A. Not to my knowledge, sir, never.

Q. Buffalo?

A. Might have called to Buffalo, I don't know.

Q. From the club?

A. No, I don't recall ever calling there from the club.

Q. Would you call any places in the States while you were connected with the Jordan

Club?

A. No sir.

Q. Now, who was writing sheet for you while you were at the Jordan Club?

A. I think we have covered that. It was Reg Dan.

Q. That is one man.

A. And Downs.

Q. Downs?

A. That is all.

Q. Anyone else?

A. No sir.

Q. You say you were writing sheet one day, were you?

A. I wasn't for the Jordan Club.

Q. Just the two were writing sheet?

A. That is right, and McLaughlin would switch around with him on occasions.

Q. Who was Gordon?

A. Pardon?

Q. Do you kxx know a Gordon?

A. No sir. Gordon?

Q. Gordon.

A. The name don't seem to ring a bell with me.

Q. Who operated the Jordan Club branch at 830 Eglinton?

A. I don't know who was up there. The only party I know involved up there was

McLaughlin, was up there for a while, before he came downtown.

Q. What about Joe Dianosi?

A. I believe he was from up around there, I don't know.

Q. What was he doing?

A. I don't know. I wasn't connected with them.

Q. Witness, wouldn't you know what was going on at a branch of your club that you were financially interested in?

A. You mean after the downtown branch opened?

Q. I am talking about up on 080 Sylister. It was a branch of the Jordan Club, wasn't it?

A. Yes, it was. Well, it was just a matter of months it was up there.

Q. What was going on up there? Will you tell the Commissioner?

A. Well, they used to take some bets up there, I believe.

Q. And who was recording them up there?

A. I don't have any knowledge of what went on up there.

Q. Who was taking them up there? This was a branch of your club?

A. McLaughlin - - - -

THE COMMISSIONER: Let the witness

answer and you will do better.

THE WITNESS: McLaughlin was working up there until the downtown branch opened up. I don't know if they were overlapping or not. I thought they were. One opened up and the other closed, to my knowledge.

MR. HOGG: Q. You had a man on the floor of the Exchange, did you not, taking bets?

A. No sir.

Q. No? You don't know of Ivor Gordon or Ivan Gordon?

A. No sir.

Q. Was not somebody taking bets at the Exchange, the Stock Exchange?

A. Not to my knowledge.

Q. Were any phoned in from there?

A. Not to my knowledge, there wasn't.

Q. Do you know Arthur Monteith?

A. Yes sir.

THE COMMISSIONER: Q. Yes sir, what?

A. I know him.

MR. HOGG: Q. Was he connected with the Jordan Club?

A. No, he wasn't.

Q. In what connection do you know him?

A. I just know him through Davidson.

Q. Was he ever up at the Jordan

Club?

A. He was up there on occasion, yes.

Q. Do you know what - - -

A. He was a member up there.

Q. Did Joyce Miller work with him?

A. She worked in Davidson's.

Q. What connection did you have with Davidson and Company?

A. I didn't have any connection with them except that I did transact business there.

Q. With who?

A. With Nordeith.

Q. What type of business?

A. In stocks.

Q. What stocks were you interested in?

A. I was interested in quite a few stocks. I just forget them. New Hosko. I haven't done any trading there for the last couple of years.

Q. What was the name of the stock you mentioned?

A. I think it was New Hosko. There was a g few stocks I traded there.

Q. Pardon?

A. There was a few stocks in there I traded. I can't recollect the names of them.

Q. You can't recollect them now?

A. No. There may have been a dozen or so.

Q. This New Mooko, the trading was suspended by the Exchange, was it not? The stock you mentioned?

A. No sir.

THE COMMISSIONER: Q. Was Joyce Miller with Davidson and Company?

A. Yes sir.

Q. In what capacity?

A. She worked in the office there. I don't know what capacity she worked.

Q. I thought you said she was writing sheet for you and Midgely and Lunt?

A. That was some time later.

Q. That was later?

A. Yes.

Q. Was she doing that at any time while she was with Davidson and Company?

A. No sir.

Q. She was at the Claude Avenue address?

A. Yes.

Q. What number Claude Avenue?

A. I don't know what number it was. It was Claude Avenue apartments.

THE COMMISSIONER: Well, is there anything further?

MR. MOOS: I do have a few more questions, sir.

THE COMMISSIONER: We are not moving very fast.

MR. HUGO: Pardon?

THE COMMISSIONER: I say, we are not moving very fast.

All right, two-fifteen.

---Whereupon at 1:08 p.m., adjourned until 2:15 p.m.

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AA/1/SW

---On resuming at 2:30 o'clock p.m.

THE COMMISSIONER: This morning, witness, you were talking about a man, Hyman, in Montreal?

A. Yes, sir.

Q. Do you know Hymie Aberowitz?

A. The name doesn't mean anything.

Q. It doesn't mean anything to you at all?

A. No.

Q. You could identify this man, if you saw a picture?

A. I think so, yes.

THE COMMISSIONER: Any further questions, Mr. Hogg?

MR. HOGG: Mr. Commissioner, first, I did want to suggest that perhaps it might be helpful to have Joseph Price called. That is something Mr. Wilson will be considering. He was the one, I am instructed, who kept the records for dividing the profit of the betting operations in the Jordan Club.

THE WITNESS: Mr. McLaughlin.

THE COMMISSIONER: Mr. Brewin?

MR. BREWIN: I just want to say that there is no particular reason for any of the questions that I would ask this witness, that they should be in camera. It doesn't matter one way or the other.

THE COMMISSIONER: Well, ask him now.

EXAMINED BY MR. ERWIN:

Q. I just want to ask you, Mr.Riggs, a little more about this package that you handed on to McLaughlin. I think it was McLaughlin that you gave it to?

A. Yes, sir.

Q. That is the same Robert McLaughlin that we have been talking about?

A. Yes.

Q. At the Jordan Club?

A. Yes.

Q. Somebody told me his nickname was "Bobby the Punk". Is that right?

A. That's correct, sir.

Q. And the package, did you know what was in it?

A. Mr. Kehoe mentioned that there was money in it.

Q. He didn't say how much money?

A. No, sir.

Q. There was a thousand dollars - was it a big package then or ---

A. It was a bulky envelope.

Q. A bulky envelope?

A. Yes, sir.

Q. I see, and you were instructed, and it was quite clear, that you were to give that to McDermott or Peeley?

A. Well, I recollect the name McDermott.

Q. I see, but you were to give it to them?

A. Yes, not to ask them any questions, just give it to them.

Q. To see that they got it?

A. Yes.

Q. To see that they got it. And were you then told, or have you since been told, where the money was supposed to have come from?

A. Well, I have since read in the paper where it was supposed to have come from.

Q. Were you at the time told that?

A. Mr. Kehoe mentioned something about Mr. Bartlett's home.

Q. Did he mention something about it being -- supposed to have been bribe money or money ---

A. Never used the word "bribe", no.

Q. Well, used words that would indicate that it was left there as an attempted bribe?

A. No, I wouldn't that he did.

Q. Did he indicate why you would have to take this roundabout course back to

McDermott?

A. No, he didn't indicate anything towards that aspect of the incident at all.

Q. Did they indicate if they knew it came from McDermott?

A. Pardon?

Q. Did they indicate any doubt as to whether it came from McDermott?

A. Mr. Kehoe you are talking about?

Q. Yes.

A. He never, as I recollect what he said, he didn't mention anything about it being, coming from them.

Q. Well, as bribe money - I see - you just took this parcel containing the money and gave it to "Bobby the Punk" and never bothered ag about it again, I take it?

A. That's right, sir.

Q. You didn't enquire whether it was handed over to McDermott or Feeley?

A. I just assumed that he did, but he didn't mention it again to me.

Q. You didn't enquire from McDermott or Feeley whether they got the money?

A. Never mentioned it, no.

THE COMMISSIONER: Q. They didn't enquire whether they were entitled to get the money?

A. No, sir. I didn't think it any of my business.

Q. You told McLaughlin to pay it to them?

A. Yes. If he came in later that afternoon, my instruction was to see that he got the money.

MR. BREWIN: Q. It just didn't occur to you to find out whether the task had been accomplished or overlooked by ---

A. Pardon?

Q. It didn't occur to you to even enquire whether ---

A. I didn't give it too much significance to the incident at the time.

Q. Very well.

THE COMMISSIONER: Mr. Rose, have you some questions?

MR. ROSE: Yes, a few.

EXAMINED BY MR. ROSE:

Q. Mr. Riggs, when you first began giving evidence on Friday, it was, you told the Commissioner that McLaughlin was your partner at the Jordan Club and represented you and you didn't spend much time around there?

A. Yes.

Q. I believe that you also said McLaughlin and you, between you, had 15 per

cent?

A. That is correct.

Q. When I took you down ---

THE COMMISSIONER: Just a moment. All right.

MR. ROSE: Q. That you and McLaughlin had, between you, 15 per cent, and McLaughlin represented your interest down there, and I took you down as saying that the other partners had 85 per cent, and that it was rumoured that Feeley and McDermott were partners in that -- do you recall saying that?

A. Yes, sir.

Q. And then subsequently you said that Feeley and McDermott had had the largest share of the operation of the Jordan Club. Do you recall saying that?

A. Yes.

Q. And then I took you down today as saying that insofar as the Jordan Club was concerned, there was really five partners in there - yourself - there was McLaughlin there, Midgely, McDermott, there was Feeley?

A. Yes, sir. Well, there was - I wouldn't consider anybody being partners - they might be in there for a consideration of any money.

Q. You are differentiating between the betting going on there and the operation of the club?

A. Yes.

Q. And at the same time, you are differentiating with respect to the Cockeysville club?

A. Yes.

Q. Well, when you say it was rumoured that originally when you said it was rumoured that McDermott and Feeley had 85 percent, were you referring to the operation of the club, or were you referring to the gambling operation?

A. As a club.

Q. As a club?

A. Yes.

Q. Well now, let me ask you about the gambling operations. It was the betting operation. Did you have 15 per cent of that, along with McLaughlin?

A. Yes, sir.

Q. Who had the other 85 per cent?

A. Midgely and Dan had a piece of it, and Joe and Pete, the other part.

Q. Now, how much -- when you say Joe and Pete, you are referring to Joseph McDermott and Vincent Feeley?

A. Yes.

Q. Now what do you say as to what part they had of thegambling operation at the Jordan Club?

A. I would say they would have 50

per cent at least.

Q. At least 50 per cent. Now did either McDermott or Feeley ever tell you that they had 50 per cent, or any part of the gambling operation at that ---

A. They didn't. They could have - they might have had 50 per cent, and they might have gave away 30 per cent - I don't know.

Q. Well, to your knowledge, as your personal knowledge, do you know whether they actually had any part of the gambling operation in the Jordan Club?

A. I was under the impression that they had.

Q. All right, where did you get that impression from?

A. From the money, money transactions from McLaughlin.

Q. Who had the money transactions with McLaughlin?

A. I didn't, McLaughlin did.

Q. Well, so far as Feeley and McDermott are concerned , did they have money transactions with McLaughlin?

A. I wouldn't say they did have.

Q. Well, what I am trying to find out, Mr. Riggs, is exactly why you say Feeley and McDermott had part of the gambling operation in the Jordan Club. Youtold us that neither one of them ever admitted that to you. Is

that correct?

A. Well, that in essence of the words admitting, I guess. I would say that would be right.

Q. Did somebody ever tell you that they had part of the gambling operation of the Jordan Club?

A. Well, they were partners there.

Q. I know, I just want to know how you know.

A. Just the same as you know if anybody else was partners, your partner, you have to know - you have to know your partner - if your partner is with you.

Q. Did you discuss with them the fact of the partnership?

A. It was just a partnership as far as winning and losses went.

Q. All right, that may be, but did Feeley or McDermott take down part of the profits, to your own personal knowledge?

A. And of the losses?

Q. The losses too.

A. I would say so.

Q. Do you recall any occasion when you have given money for any of the profits?

A. I never gave them any, but McLaughlin did at times.

Q. Do you recall any occasion, of your own personal knowledge, when they paid

part of the operation gambling losses at the Jordan Club?

A. They never paid any - any to me, but they could to McLaughlin.

Q. Would it be fair to say then, and correct me if I am wrong, that your information as to whether or not they were partners in the gambling operations of the Jordan Club, came from McLaughlin?

A. I would say so.

Q. Now is that the only source of your information, or do you know something personally? I mean, of your own knowledge, in discussions with Feeley or McDermott, anything of that nature, that they were partners in this Jordan Club, gambling operations in the Jordan Club?

A. I would say they were partners.

Q. You would, but you won't say why, except from what McLaughlin may have told you?

A. That's right.

THE COMMISSIONER: Q. I suppose you talked to them from time to time, didn't you?

A. I saw them in there.

Q. I suppose you spoke to them from time to time about how things were going?

A. That's right.

MR. ROSE: Q. And in these conversations from time to time, did you have any discussion

with either Feeley or McDermott as to how much they were winning from the gambling operation, and how much they were losing?

A. They would usually get all that information from McLaughlin.

Q. Did they never mention - did you ever have any discussions with them about it?

A. I might have discussed it indirectly.

Q. Do you recall any discussions?

A. I couldn't pinpoint n_o one episode.

Q. You felt they were partners?

A. That is right.

THE COMMISSIONER: Q. Did you ever talk to them about how the club - how they were getting along?

A. Yes.

MR. ROSE: Q. Let me ask you again, did either Feeley or McDermott ever say to you, "It looks like" for instance, "that we have lost $700 this week, and your end of this is so much, and our end is so much", or any conversation similar to that, that you recall?

A. We discussed things like that over at times, but I can't recollect any one incident.

Q. Were there any discussion wherein you felt that they showed that they were paying part of the losses and taking part of

the profits?

A. I never had any record.

Q. Well, do you recall anything along that --

A. Not exactly, no.

THE COMMISSIONER: Q. Between you and them, it follows that it was on the basis that they were partners?

A. That is correct, sir.

Q. They didn't have to come out and tell you that they were partners when the nature of the discussion with them indicated that. Is that what you mean?

A. Yes, sir.

MR. ROSE: Q. You had the feeling that they were partners?

A. That is right.

Q. Did you ever hear from McLaughlin that he was the person who had the remainder of the end of that club, in other words that he had the largest share of it, and that you were in it, and that Midgely was in it?

A. He never admitted to me that he had the largest share.

Q. And do I take from your evidence, and I am just a wee bit confused, do we take it from your evidence that this back end of the Jamieson Avenue, came about after the Jordan Club was closed, or was that before?

A. No, that was after.

Q. After?

A. Yes.

Q. And that was the proposition that was being run by Dan, Midgely and yourself?

A. That's right.

Q. And was Evelyn another back end, with respect to that operation?

A. Yes, sir.

Q. And you are not suggesting that Feeley and McDermott had anything to do with either of those operations?

A. No.

Q. That was certainly between you, Midgely and Dan?

A. That is correct.

Q. Well, would you say that McDermott was around the Jordan Club very often?

A. He was a very frequent visitor there.

Q. But yourself, you weren't in there very often though, were you?

A. Usually I visited there three or four times a week.

Q. Well then, when you were in there, did you see them there on every occasion when you were there?

A. I wouldn't say every occasion.

Q. You would see them on occasion?

A. Yes, that is correct.

Q. Was he taking any bets in there?

A. No, sir.

Q. Was he sending out any bets to you, any back end at all?

A. No, sir.

Q. Or Peeley?

A. No, sir.

MR. ROSE: All right, thankyou.

THE COMMISSIONER: Mr. Wilson.

EXAMINED BY MR. WILSON:

Q. When the Jordan Club was operating, from time to time your books were uneven and you had to make lay off bets, isn't that right?

A. Yes, sir.

Q. You said that you used either the Acme Club, or the two individuals from Montreal that you named as Cordie and Hymie?

A. Yes.

Q. Now who was operating the Acme Club at that time?

A. I don't recall who had it.

Q. You don't recall?

A. No, sir.

Q. And during that time you also had the Caplan service from Chicago, and it was Angel Caplan, wasn't it?

A. Yes, sir.

Q. And after Laughlin died, where did that service go? Who was the subscriber after he died?

A. I think Dan was.

Q. Well, wasn't Dan at his own address, where did it go?

A. I believe so. I am not sure.

Q. Do you know where it went - do you?

A. To his house I believe.

Q. Was it his house?

A. I believe so.

Q. At what address did he live at that time?

A. I'm not sure. He moved once. I have been up to his house once, but I don't remember the street.

THE COMMISSIONER: Q. Now this service from Angel Caplan in Chicago, did you have to telephone them, or did they send you a sort of daily sheet?

A. They would send a daily sheet.

Q. They would send a daily sheet. You didn't have to telephone?

A. By the week - they would send it every week. They called there every day if they wanted to find out any additional information.

Q. They would send it to you weekly?

A. A little pamphlet or schedule.

Q. Of what?

A. Sporting events for the ensuing week.

Q. All over America?

A. Yes, mainly the States.

Q. If you wanted to know the odds, you had to telephone to get the odds, is that what you mean?

A. Yes, sir.

MR. WILSON: Q. You said earlier that your brokers two or three years ago was A.E. Davidson and Company?

A. Yes.

Q. Who is your broker since that time?

A. I don't have any.

Q. You don't have a broker?

A. No, sir.

Q. Now you mentioned that you would get cheques from time to time from people who were playing out at the Vets Club in Cooksville?

A. Yes.

A/3

Q. And just as an example, I show you three cheques. The first is December 15th, '55, for $3,140, signed by J.T. Mullis, payable to Cash and endorsed by J. Riggs. That is your endorsement?

A. That is correct, sir.

Q. I notice that you deposited it at the Imperial Bank of Canada, Bloor and

Willingdon, Kingsway, Toronto. Do you have an account there?

A. No, sir.

Q. What did you do, just cash the cheque?

A. Yes, sir.

THE COMMISSIONER: What bank is it drawn on?

MR. WILSON: It is drawn on the Royal Bank of Canada, King and Church Streets. And that is endorsed by the witness to the order of the Imperial Bank of Canada, Bloor and Willingdon, and it was paid by the Royal Bank, but at King and Church.

THE WITNESS: Yes.

MR.WILSON: Q. And you say you just simply cashed it at the Imperial Bank?

A. Yes. At this bank, yes.

THE COMMISSIONER: Excuse me. Go ahead.

MR. WILSON: Q. Who was J.T. Mullis?

A. He was one of the players out there, members.

Q. John T. Mullis?

A. Yes, sir.

Q. Was his firm called Climaxo Engineering Company, was it?

A. I don't have knowledge where he was working.

Q. And then the next cheque is a cheque dated January 30th, 1956, drawn on the

Royal Bank of Canada, King and Church, in favour of J. Riggs, for $2,900, by Climate Engineering, J.T. Mullis; and is that your endorsement on the back of that cheque?

A. Yes, sir.

Q. And that cheque was paid into the King and Victoria branch of the Bank of Nova Scotia?

A. Yes.

Q. That is where you had your account?

A. That is correct.

Q. And this also represents some losses he had at the club?

A. Yes, sir.

Q. And the third cheque in this particular group is dated the 29th of August, 1956, and is a cheque for $500, drawn on the Royal Bank of Canada, King and Church Streets, in favour of V. Feeley, by Climate Engineering Company, per J.T. Mullis.

A. Yes.

Q. It is endorsed "V. Feeley". Is that Vincent Feeley's signature?

A. I would say so, yes.

Q. And underneath that, it is endorsed J. Riggs?

A. That is correct.

Q. That is your signature?

A. Yes.

Q. That was deposited in your bank

account at the Bank of Nova Scotia at King and Victoria Streets, Toronto?

A. Yes.

Q. I don't quite understand how that could be - a group of three cheques - I don't quite understand how you divided up these cheques.

THE COMMISSIONER: Wait a minute. We will make a note of these exhibits. The first is for how much?

MR. WILSON: The first cheque was for $3,140. It is dated December 15th, 1955, drawn on the Royal Bank of Canada, King and Church, to cash, and signed by J.T.Mullis.

THE COMMISSIONER: How do you spell that?

MR. WILSON: M-u-l-l-i-s.

THE COMMISSIONER: And that is --

MR. WILSON: That is endorsed by J.Riggs.

THE COMMISSIONER: Does it give Mr. Riggs' bank account?

MR. WILSON: No. He says he cashed that at the Imperial Bank at Bloor and Willingdon, Kingsway, Toronto. Bloor and Willingdon.

THE COMMISSIONER: Yes.

MR. WILSON: The second cheque is dated January 30th, 1956, and it is drawn on the Royal Bank of Canada, King and Church.

THE COMMISSIONER: The amount first, please?

MR. WILSON: $2,900, drawn on the Royal Bank at King and Church Streets in favour of J. Riggs, signed by Climate Engineering Company, J.T. Mullis. That cheque was deposited in the Bank of Nova Scotia at King and Victoria, and bears the endorsement "J.Riggs".

THE COMMISSIONER: Yes.

MR.WILSON: The third cheque is dated August 29th, 1956, and is for $500. It is drawn on the Royal Bank, King and Church Streets, payable to V. Feeley, and drawn by the Climate Engineering Company, J.T. Mullis. It is endorsed by V. Feeley and J. Riggs and was deposited in the Bank of Nova Scotia, King and Victoria Streets, Toronto.

THE COMMISSIONER: In that order, they will be Exhibits 145-A, B and C.

---EXHIBIT NO. 145-A: Cheque dated December 15, 1955, $3,140.

---EXHIBIT NO. 145-B: Cheque dated January 30, 1956, $2,900.

---EXHIBIT NO. 145-C: Cheque dated August 29, 1956, $500.

MR. WILSON: Now these two cheques that form part of this last exhibit, were they credited to your account at the Bank of Nova Scotia, or did you simply cash them there?

A. I don't recollect, sir.

Q. Mrs. Riggs had an account at the

Imperial Bank, Bloor and Willingdon, did she not, in the Kingsway?

A. No sir, she didn't, z no, sir.

Q. Now I don't quite understand how you divided up these cheques between the various persons who had an interest in the game or in the bank. Did you - or would you - just parcel them out, one man take a cheque for $500, and another man take cash for $500. They would reckon up, and one person might take the cheque and another person might take the cash, and whoever took the cheque considered it as cash, and each day you broke it up you either got cash or cheques for a similar amount?

A. That's right.

Q. In accordance with your interest?

A. That 's right.

Q. And then all the bad cheques - how were they divided?

A. The same proportion.

Q. The same proportion to your interest?

A. Yes.

THE COMMISSIONER: Q. What was your interest? What was your interest, did you say?

A. Well,it varied at different times.

Q. Well, what was the highest, and what was the lowest?

A. I might have taken up to as high

as 30 or 40 per cent some nights, and 10 per cent other nights.

Q. Well, just a moment. Let us assume that the night Mullis gave you the cheque for $3,140, if that was the only cheque you got that night, and that was 30 per cent of the profits - the winnings that night, then the total winnings that night would be upwards of $10,000.

A. The cheque was only one - in the night's proceedings - I could have wound up and had a cheque for $3,000, and still lost money in the night.

Q. I don't understand that.

A. Well, it is just because Mullis happened to be a player that lost money and somebody else could have won, he could have left, and somebody else may have come in and won. It's not the final outcome - it is not the final outcome of the night's play. That accounts -- that is just one individual player.

Q. At the end of the night - at two o'clock in the morning?

A. At the end of the night, for example, say we won $4,000, and I was - there were six partners or say five --

Q. Make it simple and make it four partners.

A. There were four partners, and say

there was $4,000, it would be a thousand apiece, so I cashed a cheque for, say, $3,100, and the next night I take out and pay $2,100, and have about a thousand dollars left.

THE COMMISSIONER: Q. Well, ~~g~~ I thought you said earlier that you didn't always get cheques, that you would get some, and they would get some.

A. I didn't always get them. I was just citing this as an example.

Q. I know. When you ceased for the night, you would have a pile of cheques?

A. Not necessarily.

Q. Well, a number.

A. Some nights we didn't have any at all, some nights we would have some.

Q. Some nights you would have cheques? And a pile of money, currency.

AA/4

A. Yes.

Q. Well then, cheques and money, and the cheques were taken as cash?

A. Yes, sir.

Q. So that if your share on this particular night was less than $3,140, you would probably get the cash and somebody whose percentage was greater than yours, would take the cheque?

A. Not necessarily. We didn't have any special arrangement for that.

Q. I should think that when you closed your books at the end of the night's operation, and divided up, so that Mr. Peeley would get so much and you would get so much, and the cheques were counted as cash?

A. Yes.

Q. And if your share was a thousand - was $5,000 or $5,140, you would get $3,140 in cheques, and $2,000 in cash. That is illustrative of the way you do it?

A. I don't understand what you mean.

Q. Well --

A. I don't follow you exactly.

Q. Well, at the end of the night's operation, if your share was, say, ~~$3,000x$3,~~ $5,050, or $4,140 --

A. Hm-hmm.

Q. You would get this cheque of $3,140, and a thousand dollars cash?

A. I understand now.

Q. All right, and that would be your share of the profits for the night?

A. Yes, if it happened that way, that would be possible to do it that way.

Q. Well, isn't that the way you ordinarily do it?

A. It didn't always work out that way, no. We could - I might ~~xix~~ take out $2,000 and issue $2,000 in the game, and wind up with one cheque of $3,000, and then win a

thousand dollars, and somebody wind up with cash. It's put in the game.

Q. Oh, I see.

A. And the money that is issued has got to be taken into consideration to wind up at the end of the night, but because you have a cheque it doesn't mean to say that that is the profit in the night's playing because you have a cheque for $3,140, because you can put $4,000 into the game, and you would be out that night.

Q. I see what you mean.

A. Which has happened many a night.

Q. All right.

MR. WILSON: Q. Did you cash in all the cheques, and all the chips every night?

A. Yes, sir.

Q. Did you?

A. Well, unless somebody might have taken a couple in their pocket when they went home, and they would bring them back the next night.

Q. But that wasn't the practice that you subscribed to, was it?

A. No, the practice was to reckon the chips.

Q. And did J.T. Mullis give cheques to the operator of this game in 1955 and 1956, totalling about $33,000?

A. Well, I wouldn't have -- I wouldn't

have the figures on the tips of my fingers. I couldn't say.

Q. He couldn't have been a very good player?

A. Well, just because he issued cheques doesn't mean he lost that much. I remember Mr. Mullis never used to bring any money to any extent, used to take out in cash, and bring back or issue cheques.

Q. Would he pay all the cheques that he issued?

A. Pretty well, I believe.

Q. Well, his company finally went into bankruptcy, didn't it?

A. I believe so, yes.

Q. And there are some memorandums here, in ink and in pencil. Would you tell me whose writing that is? Do you recognize any of the names on there?

A. No, sir.

Q. There appears to be a list of names, with amounts opposite, and the first one is D. Cohen, $15, and it goes as high as Welch for $2,500. Who is Welch?

A. These names don't strike a bell with me at all.

Q. They don't?

A. No, sir.

Q. I see on the back, it says, "Written off in 1930". Did you have particulars out

at the Vets Club of writing off bad debts?

A. No, anything that was wrote off, the people that were responsible for it - that would be at the end of that night.

MR. WILSON: Well, I would like to file this.

THE COMMISSIONER: He hasn't identified it.

MR. WILSON: No, he hasn't identified it. Until think I can have it identified later on, and we may want him back.

THE COMMISSIONER: That may be a good time to put that in.

MR. WILSON: All right. I will show him another one. This is another list of names with amounts, "Chuck", $600, and there follows about eight or ten names, and then totalling $3,924. written off January 21st.

THE COMMISSIONER: What year?

MR. WILSON: It doesn't give the year.

Q. Do you recognize any of those names?

A. No, sir.

THE COMMISSIONER:

Q. Whose handwriting is it?

A. I don't recognize the handwriting.

MR. WILSON: Q. You don't?

A. No, sir.

Q. You don't recognize the name Stanley, $1,575?

A. No, sir, I don't know who Stanley is.

Q. Do the initials B.R. mean anything to you in connection with the operation of the Vets Club?

A. No, sir.

Q. Where did you keep the list of bad debts out at the Vets Club?

A. I never kept a list of them .

Q. I know, but who would keep it?

A. I don't know who would keep it. I don't know.

Q. Would the stewards keep it, one of the partners in the game?

A. I just looked after my own bad debts. I didn't look after anybody else's.

Q. When you say you only looked after you own bad debts, I understand you to say that there was adjustment between you, so that you all shared the loss on bad debts proportionately?

A. We used to take it over, one from the other and so forth, yes.

MR. WILSON: I think that is all I want to ask you.

Q. Where did you lay off your bets, when you were writing sheets at Evelyn Avenue?

A. I didn't lay any bets off. I only worked there the one afternoon.

Q. No, but you -- it was operating

for considerably more than one afternoon?

A. Oh, yes, sir, and ---

Q. You had a share in it?

A. Yes, sir. We still did business with that Hymie in Montreal.

Q. When did that cease operation?

A. That Evelyn Avenue?

Q. At Evelyn Avenue.

A. That afternoon ---

Q. When was that?

A. It was in - last November.

Q. November, 1961?

A. Yes.

Q. You were still doing business with Hymie on layoff there?

A. Up to that time, yes sir.

Q. And how often would Hymie come to Toronto, or his representative come to Toronto to make a settlement?

A. He used to start off pretty well - it wouldn't be any more than three or four months, and sometimes five months.

Q. And then he would come up, and where the settlement take place?

A. He used to come up to the Jordan Club, and I was there, and if I was not there, I would see him maybe at the King Edward.

MR. WILSON: I think that is all for the moment.

I think, Mr. Commissioner, for the moment that is all for this witness. I may require him later.

THE COMMISSIONER: You may be required later.

---The witness withdrew.

MR. WILSON: I will call Magistrate Addison now.

JOSEPH ADDISON, sworn

EXAMINED BY MR. WILSON:

Q. Were you appointed a Magistrate for the Province of Ontario in 1959?

A. January 6th.

Q. In 1960, did you preside over a case involving the prosecution of Bluestein, Binder and Zeldon, on a gaming house charge?

THE COMMISSIONER: Just a moment. Bluestein, and who else?

MR. WILSON: Binder and Zeldon.

THE COMMISSIONER: On a charge of operating a gaming house?

THE WITNESS: Yes, my lord.

MR. WILSON: Q. There were, I understand, a number of adjournments before the actual trial for that charge?

A. That's right, sir.

Q. And during the application for the adjournments, did Mr. Bluestein speak to the matter on his own behalf?

A. On several occasions, yes.

THE COMMISSIONER: I didn't get the question.

MR. WILSON: Q. On these adjournments, I asked the witness whether or not Bluestein, on his own behalf, had asked for an enlargement.

THE COMMISSIONER: An enlargement asked for?

MR. WILSON: Yes, he said that Mr. Bluestein did.

THE COMMISSIONER: In order that we will have the names accurately recorded . . .

MR. WILSON: The charge was against Max Bluestein, Joseph Zeldon and Samuel Binder.

Q. Now on the morning of this case when it was fixed for trial,did you have a telephone call?

A. I did, sir.

Q. And just tell us about that call.

A. Just as I was about to leave for the court, which was at 2696 Eglinton West, the phone rang and I answered it. I would say it was about a quarter after nine and that voice which I recognized as that of Max Bluestein, said, "I just want you to know I'm getting out of the gambling business."

THE COMMISSIONER: Don't go too quickly, please.

A. "This is Maxie Bluestein, I just want you to know that I'm getting out of the gambling business."

Incidentally, just as soon as the conversation was over, I recorded it on this small piece of greenish paper which I still have here.

MR. WILSON: You can use that to refresh your memory of what was said.

THE COMMISSIONER: Can you give me the

date, Mr. Addison?

A. I can't, no sir. It was the date the trial was to begin, the date on which it actually, well, it didn't begin, the reason which will be explained as Mr. Wilson goes on, no doubt.

MR. WILSON: Maybe to fix the date, how long was this before the actual trial took place?

A. I would say that it was one week or so before the actual trial did take place, for reasons which I presume you will bring out as you proceed.

(Page 4635 follows)

B/AS/1

Q. I think the actual trial took place on August the 31st, 1960. There was a hearing on August the 29th of short duration, where there was a discussion or an argument in regard to the search warrant, but the actual trial commenced on August the 31st, 1960?

A. With your permission, sir, and if I should deviate, you stop me.

What transpired, was that on the morning for which I had set the trial peremptorily, this telephone call took place, and then when I got into the Court, having alerted numerous people as to the phone call, counsel for the accused said that they were going to withdraw. And that the accused of course would be prejudiced, with having no counsel; and for this reason I granted the other remand, deviating from my peremptory order of the day before. So, the case did not go on that morning, but at the date given on, as I recollect it -- either a week or so later.

Q. You have not told us what was your reply to Mr. Bluestein ---

THE COMMISSIONER: Now, now. He has not told us very much about that conversation.

MR. WILSON: I was coming back to it, Mr.Commissioner.

(TO THE WITNESS:) What followed, after he made this statement to the effect that he was going out of the gambling business?

A. I said to him, "I should not be talking to you before a case."

THE COMMISSIONER: Just a moment now; do not go too quickly.

THE WITNESS: I said, "I should not be talking to you before a case."

THE COMMISSIONER: Yes?

A. And then Mr. Bluestein merely reiterated and his voice was what I would call nice; it was certainly not threatening in any way; and he said he was merely calling me, and I cannot recollect the exact words -- about putting his best foot forward, as it were, to assure me that he was getting out of the gambling business.

Now, my reply to that was -- I think this is verbatim; I said, "I will give you every consideration, of course." Whereupon he thanked me, and that was the end of our conversation.

Q. Then, before or after that telephone call didyou have another call that morning?

A. Yes. Within thirty seconds of the time that I terminated my conversation with Mr. Bluestein, the phone rang again, and this time a very agitated and very threatening sounding voice said, "Mr. Addison?" And I said "Yes?" And the voice said, "Do you have one law for Gentiles and one law for Jews?" And I said something which was a denial that there was any

such thing; and this voice said: "We will see with Maxy Baker today." And I replied again, in the tone that there was no need for that sort of talk; and then this voice said: "You should not even hear that case", and he hung up on me, before I had any opportunity of replying further.

Q. Now as to Maxy Baker: What did that mean to you?

A. I had heard the name referred to; heard Mr. Bluestein referred to as Maxy Baker. I cannot tell you where or how, but I knew that it referred to one of the accused, Max Bluestein.

Q. You were just telling us about getting to Court that morning; there was a further enlargement. Tell us what transpired, that brought about the enlargement?

A. When I got to the Court, I immediately telephoned Senior Magistrate Elmore, to advise him of the telephone calls. I telephoned to the Attorney General's Department; I am a little vague on the recollection of this telephone call. I believe at the time that I spoke to Mr. Bowman; I called in Sergeants Long, and Walker, who were the sergeants in charge of the case - am I a little too close to the microphone?

THE COMMISSIONER: Yes.

THE WITNESS: (Continuing) - who were

in charge of the case, and advised them of the telephone calls.

I called in Mr. Dubin and Mr. G.A.Martin who were acting for some of the accused, and advised them of the calls.

Mr. Martin and Mr. Dubin gave it as their opinion that having received the calls, I should not hear the case. I agreed with that, provided that I made the announcement in open court, as to my reasons for leaving the case. They thought that this might prejudice the accused before - - -

Q. Up to that point, had you talked to anybody about what course of action you should take, before youmade that statement to counsel for some of the accused?

A. Oh yes; I had, yes.

May I just refer to my notes of the time? (Looking at document)

Yes. I spoke - I spoke to Magistrate Elmore, and Magistrate Elmore and someone in the Attorney General's Department. Both gave it as their opinion that there was no legal reason for my withdrawing.

I then advised the counsel for the accused that I was prepared to withdraw from the case, on condition that I state my reasons for withdrawing in open court.

Both counsel stated that they felt that this might prejudice the accused in any trial

before another magistrate, and if that was my condition for withdrawing, it would be preferable that I go on with the case. However, under the circumstances they felt that they preferred to withdraw from the case themselves, and after giving the accused an opportunity of obtaining new counsel, the accused would be prepared to proceed with the case.

Shall I go on?

Q. Yes, go on. When the case came up for trial - - -

A. I granted the adjournment as requested. Now, although I do not remember the lengthof the adjournment, and I point out, that Messrs. Dubin and Martin advised me that the accused had requested that they remain as counsel for them, and that they had agreed to do so.

Q. Then, was it prior to the actual trial, or after the actual trial that you had a further meeting with somebody in the Attorney General's Department? Or did you have any further meetings with anybody in the Attorney General's Department?

A. I did not have any further meetings with anyone, sir.

Q. You just led up to the actual date of trial, and you proceeded with the trial; and what was the result?

A. As near as I can remember, each

of the accused; that is all three of them, were sent to jail for two months, and each of them were fined 15,000 dollars, consecutive, or an additional four months; or an additional four months consecutive. In other words, if they did not pay any fine, they would have to do six months.

Now, as I understand - I am sorry, sir?

THE COMMISSIONER: Sentenced to how many months?

THE WITNESS: Two months plus 15,000 dollars, sir, or an additional four months. I gave stated reasons at the time; and the stated reasons were that I thought the group were making better than one million dollars a year.

MR. WILSON: Q. That was your estimate of the take, based on the evidence in the case?

A. Yes, and my estimate was - I do not know whether the Court is interested in how I arrived at it.

THE COMMISSIONER: I am!

THE WITNESS: My estimate was arrived at, sir, in this way: That when a race track - - -

THE COMMISSIONER: Just a moment now.

THE WITNESS: I am sorry, sir?

THE COMMISSIONER: You estimated they were making how much?

THE WITNESS: One million one hundred thousand dollars a year.

THE COMMISSIONER: That is the three together, or each one?

THE WITNESS: I thought that one of them was paramount over the other two, sir.

THE COMMISSIONER: Yes?

THE WITNESS: From the evidence, and not from anything I had heard.

THE COMMISSIONER: Yes?

THE WITNESS: My estimate of the amount of money they were making, and I am going on recollection from that most of the evidence had been obtained from the raiding of a house on Broadview Avenue, and the arrest and conviction of one Wise , and from the books. This was the back end; from the books, this man was doing a business in excess of 15 million dollars a year; I think it was about 37 thousand odd dollars a day. And, since the race track took off - I think it was between the race track, the Dominion Government and the Ontario Government, there was a profit of somewhere between 17 and 18 per cent, before the odds were arrived at. In other words, one of those sayings, that when you put your dollar through the machine, it is worth 83 cents. I do not know whether that is clear, sir.

MR. WILSON: It is quite clear to me.

THE WITNESS: I understand.

And of course, the betting house keepers do not give any purses; they do not have any

mutuals to pay, and they do not have any equipment to service, so that before they arrive at the odds, they were making 17 or the 18 per cent; that was with reference to the horse racing.

Q. Of course, they had a ceiling on what their payoff was?

A. 15 to one; I think that is their limit, as far as winning, and they have probably other limits for second and third.

Q. You are assuming in that calculation, a balanced book?

A. I am assuming a balanced book; it would be quite probably here, because of the great volume of business; this was a 37 thousand dollar a day operation, and presumably the balance, even if it were off to some extent could be, what they call laid off somewhere else.

Q. Was there any evidence of lay off in that case?

A. There was not sir, no.

Q. Magistrate Addison, you said one of the accused was more culpable than the others; which one was that?

A. Bluestein. I thought he was the one in authority, from all the conversations that went on between him and the police, and the others.

Q. Yes?

A. Now, with regard to that -

that is how I arrived at a percentage, in horse racing.

Now, I think that the percentage in baseball games, and hockey games, and in contests between two opponents would be possibly a little larger, and a little more certain; because as I understand it, the percentage given by the house is generally - there is some percentage on the side of the house. In other words, if you have one team you lay six to five; if you want theother team, you still lay six to five, so that you always get one-sixth going for the house. I think they call that vigorish; that is the expression I have heard.

MR. WILSON: That is the expression we have heard.

THE WITNESS: And of course, they cannot lose at all; they get six to five, either way.

Q. Is there anything else that you want to tell us about your method of calculation? Or does that cover it?

A. That covers my method of calculation; except machines; There might be some expenses. The only expenses that were visible to me were the wire service, and the four individuals plus the telphone.

Q. What wire service did they have for this operation?

A. I do not recall, but it was a wire service to the United States, where results

of games, fights, horses and various things were available shortly after the contest was completed.

Q. Can you recall whether or not the actual name of the company supplying that information was a matter of evidence in the case?

A. I do not sir.

Q. And there was some slight error in the police records, so far as the penalty was there not?

A. There was.

Q. What was the nature of the error?

A. My judgment was, as I have stated, that the accused would goto jail for two months, and in addition each would be fined 15 thousand dollars, or an additional four months.

Apparently in the jail records, unless the word "consecutive" is used, it is held by the prison to be concurrent, notwithstanding the fact that the way it was worded, it would have made absolutely no sense whatsoever for this to have been a concurrent sentence. Nevertheless it was so construed, as concurrent, so that to this effect: That if the accused were going to pay no fine, theywould have done only four months, rather than the six months which it was intended by me that they do.

The error of course, originally was made by a clerk in the York Township, and to some

extent by myself; because I should have caught it when I signed the warrant of commitment, but did not catch it. I merely signed it, without reading the words "consecutive".

I suppose, in mitigation, I could say, since it would make no sense the way it was worded to be read as concurrent, I would have supposed that they would read it as consecutive; normally that is the only way to have read it. So that the practical effect it had, as I understand from the papers, and from correspondence that the Attorney General's Department had, subsequently was that Mr. Bluestein was released from that, having done his two months. He then found, that for reasons of business or otherwise, he wanted to be out, and applied to pay the 15 thousand dollars which to his surprise he found that they did not require - they did not require fifteen thousand dollars from him. They merely requested - I think it was around 6500 dollars. Because they said all he had to do was a little less than half of the four months; whereas formerly he would have had four more months to do.

Q. Are you suggesting that the error made by the clerk was an honest error?

A. Beyond any question, sir.

Q. In your experience as a Magistrate, what would you say as to the fine versus a jail sentence, as a deterrent in cases of this

kind?

A. All I would say, that the jail sentence in this case would be a much greater deterrent than the fine. It is a personal opinion; because if a man is making one million dollars a year, unless he has some other reason for not disclosing the amount of money which he is making, 15 thousand dollars would not be a great deal of money to him.

Q. I would think not.

A. No.

MR. WILSON: Thank you.

THE COMMISSIONER: Have you any questions, Mr. Hogg?

MR. HOGG: One or two questions.

EXAMINED BY MR. HOGG:

Q. Magistrate Addison, you say you recognized his voice; was that from hearing it in the Court?

A. Yes. It is a rather distinctive voice, Mr. Hogg; it is not the ordinary sort of voice. It is one you could recognize quite easily.

Q. Were you asked by the Attorney General's Department to make a statement as to what had occurred or by the Attorney General's

Department, through the police?

A. No.

Q. At any time?

A. No.

Q. Were you interviewed by any police officer, sent by the Attorney General's Department?

A. No sir, no.

MR. HOGG: Thank you.

THE COMMISSIONER: Mr. Brewin?

EXAMINED BY MR. BREWIN:

Q. Magistrate Addison, did you preside over a charge against the Finnish Club, on a gambling charge?

A. I did.

Q. And I think they were convicted, were they not?

A. If I am not mistaken, I sent them to jail for some time, plus a one thousand dollar fine.

Q. Yes.

A. These were rather large amounts at that time; I think it was not customary to impose quite as severe a penalty, and I think it was more or less setting some sort of precedent.

Q. Do you recall who was their

counsel?

A. David Humphrey. Mr. Hogg was Crown Counsel.

Q. I see. Do you recall any hearing, or do you recall hearing from some other lawyer in regard to these charges? From a Mr. Herman?

A. This is rather embarrassing; I do not know how - how all this would have gotten about. Someone did call, who said he was Mr. Herman. That is the only reason why I have made no mention of it.

Q. You know Mr. Herman quite well?

A. I know Mr. Herman; I do not know him quite well.

Q. You know him well enough to know it was Lou Herman who was phoning you?

A. The voice; the voice identified itself as that of Mr.Lou Herman. I did not know his voice.

Q. Did he give you some advice, or make some request as to what you should do inthis case?

A. The voice did.

Q. The voice did?

A. Yes.

Q. What sortof advice did the voice give you?

A. Told me that it was interested in Finnish relations, insofar as it affected -

I do not know - something that Mr. Dawson was interested in, or something that the voice was interested in.

Q. What bearing does that have on your functions?

A. It would appreciate any forebearance, or otherwise that I might find it in my good judgment to give against an accused called Kkkkkkkk, Flaschuk.

THE POSSIBILITY: Just a moment.

THE WITNESS: I did not even mention this to myself! I don't know why I did even about it.

MR. DREWIN: Q. Never mind.

A. I do not recall having ever said this, because I did not identify the voice.

THE COMMISSIONER: Any forebearance that you might give what?

THE WITNESS: Insofar as my adjudication that is the only way - - -

THE COMMISSIONER: That is in regard to Flaschuk?

THE WITNESS: Flaschuk.

THE COMMISSIONER: Any forebearance that you might have towards him. Is that what you said?

THE WITNESS: That is right.

MR. DREWIN: Q. What did you tell the voice? Do you recall what answer you gave?

A. I am trying to think for a moment, Mr. Brewin; I am trying to search my memory. As I say, I have never mentioned this to anyone, and not really thought of it myself.

I assured whoever it was, that I would give full consideration to anything in favour of the accused and keep in my mind that he was a friend of the person who was calling, who was giving this good character reference, or this attempt for whatever forebearance I could find, with reference to that accused.

Q. Then, the voice said it was Mr. Lou Herman, did it?

A. Yes.

Q. Did you ever speak to Mr. Lou Herman subsequently, to find out whether the voice was his or not?

A. I did not, Mr. Brewin; I do not think the result was favourable, to ~~xxx~~ this extent: That if it were him, it would be as if I were rubbing it into him. So it did not seem like the sort of thing I wanted to pursue in any event.

THE COMMISSIONER: Mr. Rose, are there any questions?

MR. ROSE: One or two questions.

EXAMINED BY MR. ROSE:

Q. In respect of this telephone call that you received from Max Bluestein, or Max Baker, there was no money mentioned there, at all?

A. No sir.

Q. There was no mention of money?

A. None, Mr. Rose.

Q. There was no other occasion where the question of money was raised?

A. No.

Q. The reason I am asking you that, is that I notice in Mr. Wintermeyer's speech, on page 108, he said in the Legislature:

"It has been reported that an
"attempt to bribe Magistrate Addison
"with $50,000 was made prior to the
"trial of another well-known gambler.
"It would be interesting, Mr. Speaker,
"to know what steps, if any, the
"Honourable Attorney General took
"in this matter."

Was there ever any attempt to bribe you, with fifty thousand dollars? Prior to the trial of a well-known gambler?

A. Not unless you call Mr. Humphrey's jocular reference in the street an attempt to bribe me. I was not interested in the case.

Q. I wonder where Mr. Wintermeyer

got the information?

A. Maybe from Mr. Humphrey.

Q. Mr. Humphrey made some jocular reference, did he?

A. I do not know; but as I said, to Mr. Humphrey, and I say the same to you: Nobody ever offered me, or tried to offer me fifty thousand dollars for the case. I should have thought - I do not know whether the Court is interested in my opinion - but I should have thought that after the manner in which I started to holler, simply would have deterred anybody from making offers of any kind.

Q. There was nothing to the effect as Mr. Winterweyer mentioned? There was no offer of fifty thousand dollars?

A. No offer of fifty thousand dollars.

Q. Thank you.

MR. HOGG: I wonder if I might put a question to the witness?

THE COMMISSIONER: Yes.

EXAMINED BY MR. HOGG:

Q. In regard to what Mr. Rose has brought up: Did you read the Telegram,

Magistrate Addison, of Saturday, April the 15th, 1961?

A. Yes. I mentioned this to Magistrate Elmore, and asked him what he thought I should do; I phoned him at his house.

THE COMMISSIONER: April the what?

MR. HOGG: April the 15th, 1961. I had here a copy of the original of the evening Starred pink Tely.

A. It was an older type, because it gave, I thought, a rather poor picture of myself. (Laughter)

Q. It says that Magistrate Joseph Addison was offered a bribe, reported at fifty thousand dollars - before a case that the Magistrate would be hearing. So, this was given wide publicity in the three Toronto papers.

I wonder if I might file this as an Exhibit, Mr. Commissioner?

THE COMMISSIONER: All right.

THE REGISTRAR: Exhibit 146.

---EXHIBIT NO. 146: Copy of Toronto Telegram, dated April 15, 1961.

THE COMMISSIONER: Is that all?

MR. HOGG: That is all.

THE COMMISSIONER: Are there any further questions?

MR. WILSON: There is one question

that I should have asked the witness.

During your period as a Magistrate, have any of the senior personnel in the Department of the Attorney General, interferred in any way with you in the carrying out of your duties?

A. No. I hesitated, because from time to time I have spoken to Mr. Bowman, but it was not in any endeavour to regulate any of my judgments or anything else. It was always with reference to something that I had done, that was completely irrelevant to gambling, or it was merely something where he requested an explanation; and I have spoken to Mr.Bowman on several occasions, but it was never anything that tried to get me to do anything or not to do anything.

MR.WILSON: That is all, thank you, very much.

THE COMMISSIONER: Thank you very much.

---The witness retired.

MR. WILSON: Would you call Magistrate Thompson.

FREDERIK NEVILLE THOMPSON, sworn:

EXAMINED BY MR. WILSON:

Q. You were appointed a Deputy Magistrate in November, November the 5th, 1955?

A. That is right.

Q. And you have continued as a Deputy Magistrate since that time?

A. That's right.

Q. Now, do you know or did you know the late James Maloney?

A. Yes, I did.

Q. When did you first meet him?

A. I met him at the home of his brother, Arthur Maloney.

A. Can you fix the year?

A. I would say, to the best of my knowledge and recollection, it would be some time in 1958.

Q. 1958, and what was the occasion of that meeting?

A. I had telephoned Arthur Maloney, whom I had known for many years, and who was one of my supporters in the nomination of myself as a Deputy Magistrate for the purpose of discussing with him some advice Iwould like from him, as to the possibility of being promoted to full Magistrate and Arthur invited me up to his home.

I got there around eight o'clock that night; I

did not have dinner at his home, by the way, as was mentioned here.

Q. And on that occasion James Maloney came over to his brother's house?

A. He came over later on; he came over, as I said, and there was conversation to discuss political speeches throughout theProvince.

Q. I see.

A. It had nothing to do with me.

Q. It had nothing to do with you?

A. No.

Q. You just happened to be there?

A. I just happened to be there.

Q. Yes. And how long were you there, while James Maloney was there?

A. Oh, perhaps about one hour. I had been there with Arthur for some time, prior to James' arrival; and he had brought his wife Lillian in, and showed me his baby; he was very proud of his baby, and it was a very beautiful child. And at some later stage James Maloney arrived; he may have arrived at half past nine or a quarter after nine.

Q. At that time you had a discussion with Arthur Maloney about the possibility of some promotion?

A. Yes.

Q. Did that conversation continue, along that line, after James Maloney arrived?

A. It dropped abruptly when James

Maloney arrived; and it was only resumed at a later period, when Arthur explained my presence there.

Q. Did you see Jim, the late Jim Maloney after that time?

A. Yes, on a number of occasions.

Q. On a number of occasions?

A. Yes.

Q. And what type of occasions would those be?

A. Sometimes they would be in the Press gallery at Queen's Park; I used to drop in occasionally, because of my many years working in the Press, for twenty-five years; and after that I stopped going to it. And he was playing cards with some of the press representatives.

Q. Now you - - -

A. I do not play cards by the way, Mr. Wilson; but I was just watching.

Q. You were just watching?

A. Yes. (Laughter) They were playing poker and games like that.

Q. Undoubtedly, there was no mention of money?

A. No. (Laughter)

Q. Did you were the presiding magistrate in hearing certain charges against Kenneth Currier?

A. Yes.

Q. What year was that in?

A. May I use my notes?

Q. Yes; very well.

A. Kenneth Currier, was tried on August the 22nd, 1958, and finally was tried - the judgment was given on April the 20th, 1959.

Q. Who was the defence counsel in that case?

A. David Humphrey and Arthur Maloney.

Q. What was the nature of the charge against Kenneth Currier?

A. Keeping a common betting house, or gaming house.

Q. Now, at any time prior to the trial or during the trial, did you hear from anyone - from anyone about the trial of the case?

A. I had a call - - -

THE COMMISSIONER: Do not go too fast.

THE WITNESS: I had a call that morning, while I was having breakfast at approximately nine o'clock/ I had been trying since then to fix the time; I did not take any notes then; but to the best of my knowledge it would be in February or March of 1959.

MR. WILSON: Yes?

A. And the time of the trial would be after the Crown's evidence, and the

defence evidence had gone in; and it was during an adjournment, when the Crown was attempting to introduce rebuttal evidence in the form of five witnesses, whom the Crown alleged had attended this Finnish Club, and who had never paid their fees. In other words, it was a phony club arrangement; that was the Crown's contention.

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MR. WILSON: Q. And you say there had been some argument?

A. There was a defence argument, a very strenuous argument, by Mr. Maloney, to the effect that this was contrary to the rules of evidence and was inadmissible, and I had adjourned to study some cases that both the defence and Crown had submitted. I eventually gave a ruling admitting the evidence.

Q. Now, tell us about this --

A. The evidence was different from what the Crown alleged it would be.

Q. That sometimes happens.

A. But I -- On request of the Crown I declared all five to be hostile witnesses. There was evidence they had been tampered with.

Q. Now, tell us about this phone call that you had.

A. The phone call -- It was a man. I answered the phone. It was a man. He said, "This is Jim Maloney."

THE COMMISSIONER: Q. Do not go too quickly.

A. Again, I didn't take notes, my lord. I am just going on the best of my recollection.

Q. Yes.

A. He said something to the effect,

"You know me, I am Arthur's brother, the Minister of Mines". And I wondered why he had called. And he said it was on behalf of Courrier and the Finnish Club. I was rather stunned at this and said something to the effect that the trial was not over, and he said he realized that. He --

Q. He said what?

A. He said he realized that. And he said his brother Arthur was very worried about this case, that it was a very important case to him. And I asked him why is he calling. And he said he had a personal interest in the case. At that point --

MR. WILSON: Did this person who called suggest what the personal interest was?

A. No, he didn't.

Q. What further happened?

A. Well, I must admit, I was very nervous and a little shocked at this call and I rather stumbled a bit on the phone and broke off the connection. I refused to talk to him any more.

Q. Now, up to that point had any person ever called you and said that it was Jim Maloney speaking?

A. No.

Q. Or James Maloney?

A. No.

Q. So you had no conversation with

James Maloney or Jim Maloney up to that time?

A. No, never.

THE COMMISSIONER: Q. Let me see if I have all he said: The voice said, "This is Jim Maloney". Something to the effect he was Arthur's brother and on behalf of Courrier and the Finnish Club. "I said the trial is not over and he said his brother was very worried about the case and that he", the voice, "had a personal interest in it". And you said you refused to speak to him any more?

A. Yes.

Q. Is that the whole conversation?

A. That's just about it, to the best of my recollection. There may have been other things but I can't remember.

MR. WILSON: Q. Up to that date, had Arthur Maloney made any representations to you outside the courtroom?

A. No.

Q. Or later?

A. No.

Q. What did you do as a result of that call?

A. I did nothing that day. I don't believe there was a hearing that day in court. I think that the next court appearance I called the Crown in, that was Nicholas McRae, and told Nick about it. And we

decided to do nothing about it at that stage. Then, some days later I got another call.

Q. What time of the day was the later call?

A. About the same time.

Q. And did the person identify themselves in the same way?

A. In the same way. Well, not quite as elaborate as before; he just said it was Jim Maloney.

Q. Was it, in your judgment, the same voice?

A. Yes.

Q. On the second occasion what was the substance of the conversation?

A. Well, I can't remember the second call, to be honest, Mr. Wilson. It was just something along the, "Well, how is the case I am interested in? Arthur is still worried", something along that line.

Q. I take it you cut that off?

A. I cut it off again.

Q. I gather there was another call?

A. I am not certain.

Q. Whether there was?

A. Or whether it was a call my wife got and relayed it to me. There was a subsequent report to me of another call in hospital.

Q. Someone calling your house?

A. Yes. Within two weeks of the first call I suffered a heart attack and went to the hospital with a heart attack and double pneumonia.

Q. But, apart from the two calls you have mentioned, you did not have any other calls from anyone saying they were Jim Maloney or James Maloney?

A. No.

Q. Did you report those calls to anyone?

A. After I came out of hospital I decided to report it to Senior Magistrate Elmore and went down to the City Hall and found out he was out of town on holidays, or was just away; in any event he was not there. I, then, contacted Mr. Common and went up to see him at Queen's Park and told him the story I am telling you today.

Q. What did Mr. Common have to say?

A. My recollection is that Mr. Common was of no aid on these calls, and he intimated to me, to the best of my recollection, that Mr. Maloney - that is, Mr. James Maloney - had been in the hair of the department, as I recall his phrase, for some time. After we discussed it, I asked his advice, should I continue on the case since the case was almost over or should I disqualify myself. And he asked me if I thought I could give

an honest verdict, and I said I could. "Well, then," he said, "go ahead and proceed with the case."

Q. Did you have any further interviews with anybody at the Attorney-General's Department?

A. About a week later Mr. Common called me and asked me to come in and see him. He had told me the week before that he didn't think there was any need to report this to the Attorney-General. A week later he called me in and I went into see him at Queen's Park. And there he told me the situation had changed, that something had come up - he didn't tell me what - and he led me in to see the Attorney-General and asked me to repeat the story I am telling today.

Q. And you told the Attorney-General at that time the story you have told in the box?

A. Yes. I had no desire to see the Attorney-General, I may say.

Q. Did the Attorney-General ask you whether it was possible this was someone on the phone who was saying they were Mr. Maloney and, in fact, it was not Mr. Maloney?

A. Yes, the Attorney-General, with great respect to him, cross-examined me very severely, suggesting, first, it may very well

have been someone else, and I agreed it was a possibility.

Q. You agreed with him at that time it was a possibility?

A. Yes. He made another suggestion, very thinly veiled, that Mr. Maloney may have been under the influence of alcohol.

Q. And did the voice who called you on these two occasions give any suggestion of alcoholism, or any imbibing?

A. I can't answer that, Mr. Wilson. I have talked to people on the phone who have been intoxicated.

Q. And talked very well?

A. Yes. I get that argument all the while in driving cases.

Q. This meeting, I take it, with the Attorney-General was before you actually disposed of the case?

A. Yes.

Q. Did you hear anything further from the Attorney-General after that about this particular incident?

A. No, it has never been referred to since.

Q. Did you ever refer anything about this incident to Mr. Arthur Maloney?

A. No. I met him two or three times.

Q. And what was Mr. James Maloney's --

c/2

I believe there was a newspaper story about this in both the Globe & Mail, written I think by Mr. Greer sitting over here (indicating) and also in the Star the next day. Where did they get their information on that?

A. I don't know. I can't answer that question.

Q. As a result of the articles what -- This was during the lifetime of the late James Maloney. What position did he take at that time?

A. Well, I never heard from him.

Q. Was not there a public denial?

A. Yes, I understand there was a public denial. On the night of the public denial I had a telephone call from the Globe & Mail asking me to make a statement, and I phoned Mr. Common and told him I was worried about this and he asked me at that time how the story got out, and I called the newspaper and told them I refused to say anything about it.

Q. I do not have the articles here just now and, of course, Mr. Arthur Maloney is not present, but there was a denial reported by those papers, purporting to have been made by the late Mr. Maloney?

A. I don't know whether that newspaper article actually referred to me or just said "a magistrate".

Q. You are not sure whether you were named?

A. No.

Q. What was the outcome of this trial?

A. There was a conviction.

Q. There was a conviction. And what was the penalty, do you recall?

A. Well, I am afraid I am in the minor class when it comes to penalties.

THE COMMISSIONER: Q. What was it?

A. It was $200 or two months, I believe.

MR. WILSON: Q. This was a --

A. That was the usual penalty in those days.

Q. This was a gaming charge?

A. Yes.

Q. What is your view as a magistrate, based on your experience, of a fine as compared with a jail sentence as a deterrent in charges of this type?

A. Well, I have changed my mind since then. I gave a jail term plus a fine and I have been upheld by the Appeal Court.

Q. Since your appointment in 1955, has any senior member of the Attorney-General's Department in any way attempted to interfere with the carrying on of your duties?

A. No, never. They have always given me the fullest co-operation.

MR. WILSON: I will try and get those two newspaper articles, Mr. Commissioner. They do not appear to be here at the moment. Also, I understand, there is a statement by Mr. Maloney which should be put in evidence.

THE COMMISSIONER: We will have a ten minute recess.

---Short recess.

MR. WILSON: There is one more question I would like to put, Mr. Commissioner.

Q. When you had the meeting with the Attorney-General what direction did he give you as to trying of the case by yourself?

A. Well, he asked me the same question that Mr. Common had asked and, as a result of it, he directed me to proceed with the case.

Q. Thank you.

EXAMINED BY MR. HOGG:

Q. Sir, prior to becoming a magistrate, you had been a newspaper reporter for some considerable length of time?

A. Yes, about 25 years.

Q. Certainly in the last few of that profession you had covered the courts?

A. Yes.

Q. And, in addition to being your vocation, was of great interest to you?

A. Yes.

Q. And you got to know senior members of the Bar and, on numerous occasions, would discuss legal points with them?

A. Yes.

Q. And after becoming a magistrate you continued your interest in the field of law and subscribed to the Canadian Criminal Cases, and other legal publications?

A. Yes.

Q. And tried to acquaint yourself with the rules of evidence, and so forth. Now, you have told the Commissioner you met, face to face, Mr. James Maloney for the first time at the home of his brother?

A. That is right.

Q. And subsequent to that you used to meet him on numerous occasions when you dropped in to the Press Gallery, where your

friends were?

A. I wouldn't say numerous occasions; three, four or five occasions; and twice I recall meeting him in the corridor of the Legislature, and once he introduced me to the Speaker of the House.

Q. You would engage in conversation with him?

A. Oh, yes.

Q. And I suggest to you he had a very distinctive voice?

A. Yes.

Q. And when you were called on the morning that you have told us about - that is, the first phone call - I suggest to you, Mr. Thompson, there was no doubt in your mind that that was the voice of Jim Maloney?

A. None whatever.

Q. And I suggest you based that on two grounds: First of all, from recognizing his voice, this distinctive voice; and, secondly, because he referred to something that you would suspect only he and perhaps his brother would have any knowledge of?

A. Well, others in the trial, too, ofcourse. The accused --

Q. I am referring to something right outside of the trial.

A. That is right. Mr. McDermott, by the way, was present at the trial.

Q. Yes. I was going to come to that later.

A. All right.

Q. You have had a number of cases before you and are well aware of the manner in which a telephone call can be proved in evidence?

A. Yes.

Q. Now, in addition to identifying himself as James Maloney, saying he was Arthur's brother, the Minister of Mines, and saying he was calling on behalf of Courrier --

A. I am not sure that he mentioned Courrier, now, but it was the Finnish Club.

Q. The Finnish Club?

A. Yes.

Q. And, in addition to saying his brother Arthur was worried about the case, I suggest to you that he mentioned something about your desire to become a full magistrate, since you were doing the same work that all the other magistrates were doing?

A. I can't honestly answer that question. I don't know. He may have, but near the end of the conversation I was almost in a state of shock, so much so my wife got up from the table when she saw me because I had -- apparently the colour had drained from my face and she thought I was going to faint.

Q. I can appreciate that, sir. I

am asking you to search your memory.

A. I have searched my memory.

Q. Can you recollect anything said in connection with your appointment as a full magistrate, oranything about this matter coming up before Cabinet?

A. I can't recollect.

Q. You have told the Commissioner there was no doubt in your mind that that was the voice of Jim Maloney?

THE COMMISSIONER: Well, he has told me that and he has told you that, and there is no need to repeat it.

MR. HOGG: Q. Now, did you, after receiving that telephone call, -- Who was the first person you told this to?

A. Well, my wife.

Q. Your wife?

A. I had to wait to tell her because my father, who was very elderly, was present at the table, and I didn't want to disturb him.

Q. Who was the next person you informed?

A. I think it was the Crown, Nick McRae.

Q. And did you inform anyone else about this until the next telephone call came?

A. I don't believe so.

Q. And the next telephone call was

how much later?

A. Oh, just a few days.

Q. About the same time?

A. Yes.

Q. And, again, on this telephone call there was no doubt in your mind that this was James Maloney calling?

A. No.

Q. You recognized his voice?

A. That is right.

Q. And viftually the same thing was said?

A. Yes.

Q. Can you recall whether anything was said about your appointment as a full magistrate at that time?

A. No,I can't. I have an impression that something was said on either the first or the second occasion, more likely the second, but I can't honestly say there was that reference.

Q. Did you have the feeling, if you cannot recollect what was said, that that was the suggestion that was made?

A. Well, it's just a feeling.

Q. A feeling. And, again, were you upset and very apprehensive?

A. Well, I was more angry this time than upset.

Q. Who did you tell about the second

telephone call?

A. Again, I spoke to Mr. McKee about it.

Q. And to anyone else, sir?

A. I spoke to one other person, and I am not certain now in my mind whether it was just prior to going into the hospital - there was an adjournment, of course, while I was in the hospital, because I was seized with the case - or whether it was just after I got out of the hospital. But, I felt I should talk to some friend to whom I could go for advice, and this was Mr. Al Maguire of the Toronto Star. I explained this was in confidence and of the seriousness of it and not to reveal it, and he called me last week to recall this to my mind, I had forgotten his advice. And it was on his advice I went to the Deputy Attorney-General, Mr. Conmee. I had intended to go to him, in any event, but he thought I should go immediately.

Q. While you were in hospital was it reported to you that Mr. Maloney had called the hospital?

THE COMMISSIONER: Now, just minute. Is this relevant?

Q. While you were in the hospital someone said something to you. Who was the person?

A. A special nurse. I had special

nurses on 24 hours.

MR. HOGG: Q. Had this special nurse taken the call?

A. Yes. I wasn't allowed to answer the call.

Q. Do you recall her name?

A. No, I don't. I have a record at home.

Q. You have a record?

A. Yes. I don't know whether she would remember that today. That is a number of years ago. And, again, it may have been something repeated. I am not sure that she took the call. She just reported the phone call. She may have taken it from the general nurse on the switchboard.

Q. After trying to contact Magistrate Elmore you found he was out of town and you contacted Mr. Common?

THE COMMISSIONER: Just a moment.

Q. No one in his sober mind would call you when you were in the hospital and ask you some favour in connection with a case, do you think?

A. No.

Q. I would not think so either.

A. Of course, Mr. Jim Maloney, or the person representing himself as Mr. Jim Maloney, never asked me for a favour.

Q. Well --

A. It was suggested, of course.

Q. Having in mind you were flat on your back in the hospital, I suggest to you no person, thoroughly sober and in command of himself, would take that time to call you?

A. Well, that was one of the few calls that came for me at the hospital.

MR. NOGG: Q. You do not know whether Mr. Maloney knew of the seriousness of your illness or how badly ill you were in the hospital?

A. No.

Q. Then, you called Mr. Common and went to see him?

A. Yes. I reported, by the way, to Mr. Elmore at a later date when he returned.

Q. Do you recall Mr. Common saying anything else about Mr. Maloney being in the hair of the Department for some time?

A. No.

Q. Anything else concerning Mr. Maloney?

A. No.

Q. He said there was no need to report this to the Attorney-General?

A. That was my understanding, that that was as far as it need go, since I had reported it to him.

Q. I take it you reported to Mr. Common that there was no doubt in your mind that

this was a call from Mr. Maloney and you recognized his voice?

A. Yes.

THE COMMISSIONER: Q. There were a few adjournments in that case?

A. Yes. The charge was laid late in August. It is customary in gambling cases of that nature for a number of adjournments at the beginning, requested by the Crown to produce their evidence. In October I was gone the entire month on holidays and that put it over into November, and, then, we were into the Christmas holidays and Mr. Humphrey reported he had great difficulty getting in touch with Mr. Maloney because of his duties in Ottawa, and Mr. Humphrey was always present and always prepared to go ahead.

Q. Mr. Humphrey was always ready to go ahead?

A. Yes.

Q. You said McDermott attended the trial?

A. I can recall seeing him almost every day at the trial. He sat in the body of the court.

Q. He was displaying some unusual interest?

A. Well, I had recognized him from a former trial of another Finnish trial and he sat through that. I didn't know whether he

had any connection with this, and I asked one of my newspaper friends and he said he was one of the two thieves.

Q. He seemed to have some interest in this particular case?

A. Yes.

MR. HOGG: Q. What was the changed situation that Mr. Common suggested you should see the Attorney-General?

A. He didn't tell me.

Q. Did the Attorney-General indicate that to you?

A. No.

Q. Did you gather from Mr. Common or the Attorney-General they had spoken to Mr. James Maloney?

A. What was that question?

Q. Did you gather from Mr. Common or the Attorney-General they had spoken to Mr. James Maloney about this report of yours?

A. No, I never got that impression.

Q. You never had that impression?

A. No.

May I add one thing, here? You asked me about promotion from deputy magistrate to magistrate. On my occasion of going in to see the Attorney-General he told me he had changed his policy, in future no non-lawyer would be promoted to magistrate.

Q. Was that at the close of the meeting?

A. Yes.

Q. The Attorney-General cross-examined you, you suggested?

A. Well, I used the word --

Q. He questioned you about that, that it may have been someone else, and were you adamant to him that there was no doubt in your mind it was James Maloney?

A. Well, I did, myself -- I don't know the word to use here, but I felt slightly intimidated.

Q. Humiliated?

A. No, I wouldn't say that. Intimidated. There was a feeling of oppression in the room. That was my personal feeling.

Q. You were telling tales --

A. No, I was just sorry I went in in the first place.

Q. You did not get a very sympathetic hearing?

A. No.

Q. It was suggested this man may have been intoxicated, this was the suggestion to you, and the phone calls were about nine o'clock in the morning?

A. I pointed that out to Mr. Roberts.

Q. Who brought the subject up about the fact that the Attorney-General had changed his policy, this was at the end of the meeting, and no laymen were to be made

magistrates?

A. He did.

Q. You did not mention anything about that?

A. I don't recall mentioning it. It may have arisen in this way: He may well have asked me on that occasion, although I don't recall, he may have asked me how I met Mr. Maloney in the first place.

Q. Then, you phoned Mr. Common when you saw Mr. Maloney's statement reported verbatim in the Globe & Mail?

A. Yes.

Q. And he asked you how the story had got out?

A. Yes.

Q. Or did you ask him that?

A. He asked me.

Q. When you left this meeting with the Attorney-General, I take it, you were still very upset?

A. By the way, I did call another person that night. I called Mr. Pat Hartt and asked him if he would act on my behalf in future if anything happened on this case and he said he would, and I asked him for ~~xxxxxxx~~ advice, "What do I do?".

Q. What did you envisage might happen?

A. Nothing. I was just upset.

Q. Did you have a feeling in leaving

that meeting that they were very much annoyed you had reported this matter to them?

A. No.

Q. Did you ever write out or make a statement for anyone's use in this?

A. Yes, the Commissioner.

Q. Did you tell, in addition, a number of people about this occurrence because you were upset about it and that something was wrong?

A. I believe I told a few of my close friends about it some time after it had appeared inthe paper and became rather general knowledge.

May I have a glass of water, please?

THE COMMISSIONER: Yes, certainly.

---A glass of water is provided for the witness.

MR. HOGG: Q. The last question, Mr. Thompson: So far as the Courrier trial was concerned, was there any discussion about perjury charges in connection with Mr. Gebirtig?

A. No. I am not sure that Mr. Gebirtig was a witness at that trial. I recall him as a witness in an earlier trial.

EXAMINED BY MR. BREWIN:

Q. Mr. Thompson, I am particularly interested in what you say was Mr. Common's reaction when you reported this telephone conversation. First of all, I take it you told Mr. Common that Mr. James Maloney had called you?

A. Yes.

Q. You did not put it someone purporting to be, you told him that Mr. Maloney had called you?

A. That is right.

Q. And he was annoyed?

A. Yes. Well, I got the impression he was.

Q. You got the impression he was, and annoyed at Mr. Maloney?

A. Yes.

Q. Not, ofcourse, annoyed at you for telling himabout it, but annoyed at Mr. Maloney?

A. Well, my impression was that he was interfering a great deal with the Attorney-General's Department.

Q. Well, you used the words - I am not sure whether these are the words - I took it down, "He intimated to me Mr. Maloney had been in the hair of the Department"?

A. Yes.

Q. Interfering with the Department?

A. Yes.

Q. In similar matters?

A. Yes. I assumed that meant he was calling on behalf of friends, or something of that nature.

Q. He was not surprised to hear Mr. Maloney had made this call to you?

A. He didn't seem surprised.

Q. He implied it had happened before in similar events before?

A. I had that definite impression.

Q. I suppose you did not -- I do not suppose would have. I suppose you did not ask him about any other occasions? Mr. Common did not enlarge on that at all?

A. No.

Q. Then, as I understand it, you were told -- Mr. Common advised you could proceed with the case?

A. Yes.

Q. And, as far as you were concerned, you expected the incident to be closed then?

A. Yes.

Q. Instead of that you were summoned, in a sense, to come and see the Attorney-General himself?

A. That is right.

Q. Was it a week --

A. Approximately a week later.

Q. Approximately a week later. Who was there at that time?

A. Just Mr. Common. I went into Mr. Common's office.

Q. And the Attorney-General?

A. No. He told me that something had happened, he didn't enlarge on that, and that he thought it necessary we should go in and see the Attorney-General immediately.

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ADO'N/1

Q. And then you did go in?

A. Went right into the Attorney General's Office.

Q. Just the three of you?

A. Only the three of us were there.

Q. And you have already described on this occasion -- did Mr. Roberts ask you to repeat the story?

A. Yes, he did.

Q. He did. You told him, I take it, that Mr. Maloney had called you?

A. Yes.

Q. Mr. James Maloney had called you?

A. Yes.

Q. And you repeated what you told us here?

A. Yes.

Q. And Mr. Roberts' reaction, I take it, was to start -- to put it -- to cross-examine you?

A. No, not exactly. My impression was that he wanted to make absolutely sure, but he did it in a way that I felt ---

Q. Felt intimidated?

A. Almost intimidated, yes.

Q. Yes, almost hostile, he was. Whether that was just his manner or not, but his manner was hostile?

A. Well, I got the impression that this is one of his colleagues on the Cabinet and it

couldn't possibly have happened.

Q. It couldn't possibly have happened?

A. Yes.

Q. Did he suggest at all to you that he had spoken or would speak to Mr. Maloney to find out if this had occurred?

A. No.

Q. You, of course, don't know whether he did any such thing as that?

A. No.

Q. Or what response he got, if he did?

A. No.

Q. And apparently you told us that he suggested that Mr. -- whoever called, Mr. Maloney might have been under the influence of liquor?

A. Yes.

Q. Was there any indication of that at all in the two telephone conversations you have recounted?

A. No.

Q. I know it is not always possible to tell, but there was nothing in the tone of voice that indicated that to you?

A. I hesitate to say this, but at a later date, one of my newspaper friends at Queen's Park said that that would not be abnormal.

Q. I see. But I am really asking you about the actual phone conversation. You didn't, from that, think there was any

indication of intoxication?

A. No.

Q. Well, on the whole, I take it, when you went away you felt that, perhaps, you ought not to have told about this incident, at any rate, or complaining about it, hadn't met with a very happy reception?

A. Well, not exactly, Mr. Brewin. Never at any time did I have the feeling I shouldn't have. I was a little sorry I had.

Q. I don't mean you shouldn't have by the point of view you had the right, but the way the Attorney General felt?

A. Perhaps I was sorry I adopted the procedure I adopted.

Q. Did you ever have occasion to speak to the Attorney General since, about the matter?

A. No. I have met him since.

Q. You have met him since?

A. Yes.

Q. But you have not discussed this particular matter?

A. No. We discussed golf.

Q. Golf?

A. Yes.

Q. It sounds like a fairly harmless subject. Now, just another question I want to ask you. We have had quite a lot of evidence here of various occasions when those connected with this gambling syndicate have made various presents and so on to people, or tried to make

presents to people to influence them in any way. Have you had any experience along that line at all? Have either of these people who act for them or represent them, or any of the syndicate people, themselves, tried to make some sort of present or embarrass you in some way?

A. Well, I have had some that tried.

Q. Some that have tried. I wouldn't expect they would have succeeded, Magistrate Thompson. Have you any particular case in mind?

A. Well, I hesitate to mention this because the person involved is one whom I like very much and I didn't link anything sinister in what happened to it, but there was an occasion when the lawyer in this case ---

Q. Well, before you tell us anything about that, perhaps, Mr. Commissioner -- you might speak to the Commissioner and tell him what the incident is to see whether it is something that ought to be pursued.

THE COMMISSIONER: I think I know what he has in mind. From the information I have, I don't think there is anything to it.

MR. BREWIN: I beg your pardon?

THE COMMISSIONER: I don't think there is anything to it. There is nothing sinister about it at all.

MR. BREWIN: If you know about it, sir, I won't pursue it.

THE COMMISSIONER: Q. I have stated that correctly?

A. Yes.

MR. ROSS: I have no questions.

EXAMINED BY MR. WILSON:

Q. You have told us there was a denial by Mr. Maloney which appeared in the public press?

A. Yes.

Q. And you were appointed Deputy Magistrate in November of 1955. You are a layman, not a lawyer?

A. Yes.

Q. And since November of 1955, has any lay magistrate -- by that I mean a layman who has been appointed Deputy Magistrate, been moved up to the ranks of full Magistrate?

A. Yes.

Q. There has been?

A. Several.

Q. In what year?

A. I don't recall the year, but one of them was Magistrate Giannelli.

Q. Yes?

A. Magistrate Mitchell at Guelph. I believe there were one or two up north, but I

can't recall their names.

Q. Were they appointed before you?

A. They were appointed Deputy Magistrates before me, yes.

Q. Before you. When, then, do you say the change in policy took place?

A. Well, there was rumours of this change of policy.

Q. When did rumours of the change in policy first come to your attention?

A. About two and a half years after my appointment.

Q. That would be, say, in 1958?

A. Yes.

Q. And that would be, I take it, long before this incident you speak of?

A. Yes. I had gone to see the Attorney General in November, I believe it was, of 1957, a little more than two years after my appointment, on the advice of some lawyers who have been instrumental in getting my appointment in the first place. They suggested to me the proper procedure in my case would be to go and ask myself, and I did.

Q. You did that in 1957?

A. Yes.

Q. Who did you see at that time?

A. The Attorney General.

Q. The Attorney General. And what did he inform you about policy at that time?

A. He said he only made increases or appointments or promotions on representations of others, and this was his policy, add that I was to go and get a reputation for myself and to get representations on my behalf. I was a little surprised at this, so I went back to my friends, including Mr. Arthur Maloney, and including John Robinette, John D. Arnup, Cardinal McGuigan, Mr. Justice Stewart and a number of others. Most of them, to my knowledge -- Dave Walker was another -- wrote letters to the Attorney General. I then had a telephone call from a member of the Legislature, I think he is head of the Liquor Board, Mr. Allan Grossman, and he asked me to call off my campaign. He said the Attorney General was very annoyed

DH/2 with me. About two weeks after that I got a telephone call from Mr. Art Michel, the Assistant Executive Attorney General, who said the Attorney General had asked him to call me on his behalf and he was very sorry he could not accede to my request and he was going to give me $500 increase.

Q. Did he say why he was annoyed with you?

A. No, he just passed on the remarks.

Q. Since that time has, to your knowledge, any other lay Magistrate been appointed to the full post or full rank of Magistrate?

A. I don't believe so.

Q. You don't believe so. So you were not

too happy about that result, I take it?

A. Well, I wasn't happy in the first couple of years about this because at that time, according to The Magistrates Act, Deputy Magistrates had no security. It didn't matter how long they were in office,they could be fired or dismissed on a moment's notice.

Q. Have the provisions as to security changed?

A. Yes, they have changed since then.

Q. Thank you.

A. That was the reason why the members were concerned and Magistrate Elmore took this up with the Attorney General.

Q. At all events, since the time the Attorney General told you, through Mr. Nichol, he was sorry he couldn't do anything about appointing you to the full rank of Magistrate, there have been no others appointed who are in the same position yu are in?

A. Not to my knowledge.

MR. WILSON: All right, thank you.

---The witness retires.

MR. HOGG: Before Mr. Wilson calls his next witness, I noticed you asked Magistrate Thompson whether Joseph McDermott was in Court

at this occurrence, and I see Magistrate Addison is still in Court, and I think he is quite able, and I am quite sure he is a person who can tell us whether Joseph McDermott was at that third Court trial.

THE COMMISSIONER: Do you want to ask him?

MR. HOOG: Yes, since he is here.

THE COMMISSIONER: All right, Magistrate Addison.

JOSEPH ADDISON, recalled.

THE COMMISSIONER: You are still under oath.

THE WITNESS: Yes, sir.

EXAMINED BY MR. HOOG:

Q. You recall this third Finnish trial you presided over when John Pleschuk was charged?

A. Yes, I do.

Q. Do you recall whether or not Joseph McDermott was sitting in the back of the courtroom?

A. He was sitting in the last seat of the courtroom.

Q. And did you reach a conclusion, based on the evidence, that Pleschuk was nothing but a front for McDermott or somebody?

A. I assumed ---

THE COMMISSIONER: Just a moment. He wasn't asked to reach a conclusion on that.

MR. HOGG: Perhaps I could ask the Magistrate this question. Did you reach that conclusion, sir:

THE COMMISSIONER: Well ----

MR. HOGG: Q. In your judgment?

A. In my judgment I stated that it was obvious that Mr. Fleschuk was a stooge for somebody. I think the record would indicate that. I think it was Mr. Humphrey's argument, and I think it was that Mr. Fleschuk had recently left the Army or had been in the Army and didn't have a great deal of money and couldn't have set up the elaborate club that had been set up, and it was a reasonable inference that some one else was the man in charge permanently, as opposed to temporarily. In other words, Fleschuk was the steward or the flunky, as you would call him, Mr. Hogg. Some one else was getting the profits. I think I commented at the time or at the trial that if I couldn't get to the top man, I had to take what I could get which, in this case, was Fleschuk.

THE COMMISSIONER: Do you want to ask any questions?

MR. ROSE: No questions, sir.

---The witness retired.

MR. WILSON: I will call Sergeant Rawlings.

FREDERICK MURRAY RAWLINGS, called.

MR. BREWIN: Before my friend proceeds with this witness, I would like to ask for the future to be -- counsel to be informed some time in advance the witnesses that are proposed to be called. It is pretty hard for us to be useful when we don't know anything about them.

THE COMMISSIONER: I had thought that Mr. Wilson was informing you from time to time.

MR. BREWIN: He does, occasionally.

---The witness was sworn.

EXAMINED BY MR. WILSON:

Q. You are a member of the Ontario Provincial Police which, I believe, you joined in 1941?

A. Yes, sir.

Q. And during the period from June 2nd, 1962, to December 1st, 1960 -- this can't be right.

What was the period during which you were stationed at Peterborough in District No. 8?

A. I went to Peterborough about the middle of June in 1950 and I was transferred

there on the 5th of December, I believe it was, 1960.

THE COMMISSIONER: Q. You went there in June, 1950, and transferred there in 1960?

A. Transferred from there, my lord.

Q. I see. So you were in Peterborough from June, 1950, until when?

A. I believe it was the 5th of December, 1960.

MR. WILSON: Q. Now, Inspector Stringer was in charge of District No. 3 in 1958?

A. Yes, he was, sir.

Q. And 1959?

A. Yes, sir.

Q. Now, do you recall a request from Inspector Stringer, in February of 1959, to pick up something for him in Toronto from Sergeant Anderson?

A. Yes, sir.

Q. Do you know the exact date of that?

A. No, I do not.

Q. I think it has been mentioned here as being February the 12th, 1959, and apparently the story was that you were coming to Toronto, primarily for the purpose of picking up a new car for the District?

A. I don't know, sir, what I was coming to Toronto for, but I know I came down one day with my wife, on my day off, and I was into Headquarters.

Q. Now, what did Inspector Stringer ask you to get from Sergeant Anderson?

A. To the very best of my recollection, he asked me to stop in and see Sergeant Anderson at the anti-gambling squad and pick up a parcel for him, that the Sergeant would know about it.

Q. Is that all he said to you?

A. Yes, sir.

Q. And did you carry out those instructions?

A. I did, sir.

Q. And what did you say to Sergeant Anderson when you saw him at Headquarters?

A. I advised him that Inspector Stringer had asked me to come in and pick up a parcel. Sergeant Anderson made some excuse, either it wasn't ready or he didn't have it. That is all there was to it. I went back home and reported to Inspector Stringer that I was not able to get the parcel for him. And that ended it as far as I was concerned.

Q. Now, at page 2531 of the transcript of the evidence, Inspector Stringer was giving evidence and was asked this question at line 9:

"On February 12th, 1959, did you instruct "one of your officers -- I think it was "Corporal Rawlings -- to go to Anderson "and get that brief back?

"A. Not exactly in those words. This "is what I did; Corporal Rawlings was

"coming into Toronto for a new car. I "asked him to drop in and see Sergeant "Anderson and if the brief had served "its purpose, that I would like to have "it back, or if they had any further "use of it I would like a copy of that "part pertaining to raids and what to "look for."

Now, what is your comment on that answer as given by Inspector Stringer?

A. That is not my recollection at all, sir. I don't think it was ever called a brief, to me.

Q. You recollection is as you have given it in evidence here to-day?

A. That is right, sir.

THE COMMISSIONER: Q. To summarize; he didn't identify the parcel that you were to get? What it was?

A. No, sir, I don't believe he did.

Q. Is there any doubt in your mind about it?

A. There is no doubt in my mind, sir. I think if he had said "brief", perhaps my curiosity might have been aroused, and it certainly was not. I never thought of the incident again after I went home, until a little over a year ago.

THE COMMISSIONER: Is that all?

MR. WILSON: Q. Did he discuss that incident

with you after that time? That is, Inspector Stringer?

A. No,sir, he did not.

Q. Now, you recall a discussion in the Force about a possible tip-off in connection with a raid that was to have been made in the Hamilton district?

A. Do I recall a discussion?

Q. Yes, among members of the Force?

A. Yes.

Q. Do you recall the incident?

A. Yes, I do.

Q. Now, Inspector Stringer, at page 2887, was asked how he had heard about any suggestion of a tip-off, and at line 15 of page 2887, his answer, in part, is this:

"It is quite a few years ago. I don't "know how I heard it, possible Corporal "Rawlings told me at the time, but I "don't recall he did, but he did say "on his return that the anti-gambling "squad felt that there had been a tip-off."

Now, what is your recollection of what Inspector Stringer has stated in his evidence about that matter?

A. If I mentioned it to him in those terms, it was because I think every one there that night felt there must have been a tip-off, and it was more or less common talk among us.

Q. Well, have you any distinct memory

of whether you did or didn't tell him about the tip-off rumours, when you returned from that particular mission?

A. No, I don't think I did. I reported back to him and told him there had been no raid. It was called off.

MR. WILSON: Thank you.

EXAMINED BY MR. HEGG:

Q. Are any of those matters recorded in your diary, that you mentioned to-day?

A. The going on the raid?

Q. Yes.

A. Yes, it was.

Q. And the rumours about the tip-off?

A. Oh, no.

THE COMMISSIONER: Mr. Brewin?

EXAMINED BY MR. BREWIN:

Q. Well, there is some statement given that it was suspected Inspector Stringer had something to do with the tip-off. Did you ever

hear anything of that sort?

A. No, sir, there was no one mentioned.

Q. No one mentioned?

A. No. It was just felt among the men, I think, that there must have been something happened because we were all sent home and there was no raid.

MR. SHEAIN: I think that is all, thank you.

MR. ROSS: No questions, thank you.

THE COMMISSIONER: That is all, thank you.

---The witness withdrew.

---

q MR. WILSON: My next witness is Inspector Ramsbottom.

THE COMMISSIONER: Well, he will be some time, I take it?

MR. WILSON: He will take a few minutes.

THE COMMISSIONER: It is 5.00 o'clock.

MR. WILSON: Yes.

---Whereupon the hearing adjourned at 5.00 p.m. until Tuesday, May 15, 1962, at 10.00 a.m.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

THE STERLING TRUSTS CORPORATION,
Executor of The Last Will and
Testament of Dorothy Margaret Brown,
late of the Town of Trenton, in the
County of Hastings, Deceased, and
WILLIAM JOHN BROWN,

Plaintiffs,

- and -

HENRY POSTMA, FRED A. LITTLE and
FREDERICK H. LITTLE,

Defendants.

AND BETWEEN:

THE STERLING TRUSTS CORPORATION,
Executor of The Last Will and
Testament of Dorothy Margaret Brown,
late of the Town of Trenton,
in the County of Hastings, Deceased,
and WILLIAM JOHN BROWN,

Plaintiffs,

- and -

HENRY POSTMA, OLIVE RUSSELL LITTLE,
Executrix of the Estate of
Fred A. Little, and FREDERICK H. LITTLE,

Defendants.

AND BETWEEN:

THE ATTORNEY GENERAL OF CANADA,

Plaintiff,

- and -

HENRY POSTMA, FRED A LITTLE and
FREDERICK H. LITTLE,

Defendants.

TRANSCRIPTION BY MEMBER

File Copy

Volume No. 23

Royal Commission on Crime,

Tuesday May 15/62.

P.P. 4717 — 4922.

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VOLUME 23

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A/SCW/1

TUESDAY, MAY 15, 1962

---On resuming at 10.10 a.m.

MR. WILSON: Call Chief Constable Shrubb. Mr. Commissioner, the witness is missing for the moment.

I have here a statement that was made by the late James A. Maloney. It was just handed to me by Mr. Common, and I haven't had a chance to read it myself.

THE COMMISSIONER: That is the one that was published.

MR. WILSON: Yes, this was published. I am not sure whether it covers the incident we were dealing with yesterday.

THE COMMISSIONER: Well, what happened to this statement?

MR. WILSON: I was advised that it was given by the late Mr. Maloney to the Attorney General, and it has been produced to me by Mr. Common from their files. It might be just as well for me to read it. It was just handed to me. I will read it:

"STATEMENT OF THE HONOURABLE

"JAMES A. MALONEY, Q.C., M.P.P.

"There have been statements and "insinuations made relative to an "Ontario Minister of the Crown who "was linked with organized crime. I "have had no doubt that these unjust

"insinuations were directed at me and
"at a time when because of proceedings
"pending in court I was precluded from
"saying anything other than making a
"general denial when questioned by
"the press in common with other Cabinet
"Ministers, when I denied any such
"connection. These stories and
"insinuations have, as is usually the
"case with gossip and in this case
"unfounded gossip, the tendency to grow
"into additional distortions. No one
"has dared to say these things in
"public about me, but have been content
"to insinuate and suggest and await a
"privileged occasion which involve no
"risk from a legal standpoint.

"I have been anxious and have
"fretted to make a full statement but
"have been precluded from doing so
"since I would have been in contempt
"of court. It will be recalled that
"at that time the trial on charges of
"conspiracy of certain persons was
"about to commence.

"This trial has now been concluded
"and I see no reason in all justice why
"I should not make a full statement.
"My brother, Arthur Maloney, Q.C.,
"was able to make a statement in both

"court and the House of Commons.

"The apparent source of the stories "about myself is a diary or notebook that "was kept by Provincial Police Officer "Scott, who was called as a Crown "witness at the trial, in which he "purported to make notes of conversations "which he alleges he had with certain "accused persons. Those statements "were largely hearsay statements, "repeating what these accused persons "were said to have heard.

"At the time of the preliminary "enquiry into the charges, the press "covering the proceedings reported on "March 22nd last that Officer Scott "had testified that he had been "informed by one of the accused, that "a certain brief involving a Club "known as the Ramsay Club in Niagara "Falls, after having been prepared by "a group of lawyers, was submitted to "my brother, Arthur, who in turn "submitted it to me and that I was "then supposed to have passed it on "to an inspector of the Ontario "Provincial Police, who was said to "have given it to a sergeant of the "Anti-Gambling Branch.

"At the time of this publicity

"I was ill, but was in communication with
"my brother, Arthur, who subsequently
"appeared in Court with leave of the
"presiding Magistrate and on his own
"behalf and on my behalf, denied, as
"is the fact, that either he or I had
"ever seen or heard of the brief in
"question. I should add further that
"prior to the publicity given to the
"preliminary enquiry I had never even
"heard of the existence of the Ramsay
"Club.

"As a matter of fact, Crown Counsel,
"after my brother's statement in court,
"subsequently confirmed that it was
"not any part of the Crown's case that
"either my brother or I were in any way
"implicated in the case and that the
"conflicting stories in his possession
"as to how the brief got into the
"hands of the O.P.P. inspector did
"not confirm the statement attributed
"to the accused person, that the
"brief never was in my hands or in the
"hands of ~~my~~ my brother.

"Subsequent investigation showed,
"as my brother pointed out in his
"statement in the House of Commons on
"March 27th, that his name was not
"even referred to in the officer's

"diary and the reference was to 'Jim Malone'; "which has been insinuated was myself. "This is completely untrue and unfounded.

"Appropriate apologies were subsequently made by the Canadian Press "and its affiliated newspapers.

"There is apparently also a note "in the diary to the effect that a high "ranking police officer received money "from one of the accused in return for "certain information, and that on one "occasion a sum of money was paid to "the officer in question at a party "at which it was alleged I was present.

"The fact is that while I have met "the officer in question, I have never "had any acquaintanceship with him "whatsoever and I have never been present "at a party with him or was a witness "to any occasion when he was the recipient "of any money. It follows, therefore, "that if in fact this statement was made "by any of the accused to Officer Scott "it is completely without foundation. "This is completely unfounded and "malicious gossip. As I have said, no "one has dared to say these things in "public about me but have been content "to insinuate and suggest and await a "privileged occasion which would involve

"no risk from a legal standpoint.

"Another series of unfounded stories "and insinuations arises from the fact "that Messrs. McDermott and Feeley had "an interest in certain mining claims "known as Krno Mines Limited, located "in North Western Ontario in the Big "Duck Lake area and it followed, "therefore, that they were required "to have dealings with the Department "of Mines, of which I am the Minister. "They were bound by the same regulations "that affect everyone who has dealings "with my Department and received, as "was the right of anyone who had dealings with my Department, those facilities "that are available to anyone interested "in the development of property in "this Province for mining purposes. "A check with the officials of my "Department shows that in their "dealings with my Department they were "treated in the same way as anyone "would be. They were given no special "consideration in any way. Their "dealings with the Department were "routine proceedings as the record "will show, which are common to very "many mining claims.

"While it is true that statements

"in Officer Scott's notebook or diary
"are not admissible evidence in respect
"to me or to anyone else who may be
"named therein, the fact is that
"according to my information such
"contents have been divulged by
"officers connected with the inves-
"tigation or prosecution of the
"charges against the three accused,
"and I feel it my duty, notwithstanding
"their inadmissible character, to make
"this statement in relation to this
"type of gossip which is completely
"unfounded as far as I am concerned
"and which has been bandied about in
"a way calculated to hurt and harm me.

"It has further been suggested,
"according to information brought to
"my attention, that I am alleged to
"have communicated with a magistrate
"for the purpose of attempting to
"influence him as to a decision he
"should reach in a gaming house case
"which was before him for trial.

"The fact is I never at any
"time communicated directly or indirectly
"with any magistrate with a view to
"influencing him to decide any case
"of any nature whatsoever.

"May I say that I am not one of

"the members of Government directly
"charged with the administration of
"justice, other than as a member of the
"Executive Council. I point out,
"however, that as a Barrister and
"Solicitor and a Queen's Counsel, I
"have responsibility to my profession
"which I have jealously sought to
"maintain. I also have a duty as a
"public man which I hold highly. I
"have protected or sought to protect
"no one. I have never attempted to
"pervert the course of Justice. I
"have never used any influence I
"possess to this end. In both public
"life and private practice I have
"endeavoured to uphold as best I could
"British fair play and justice and I
"deeply resent the unfounded and unfair
"gossip which might lead people to
"believe otherwise.

"James A. Maloney"

Now, Mr. Common asked that we file a photograph of that, rather than the original. It is my submission, Mr. Commissioner ---

MR. HOGG: My information is that this original of the statement, on June 19th, 1961, was sent by the Honourable James Maloney, the Minister of Mines, with a covering letter, to the Globe & Mail. On June the 20th, that is

the following day, the Globe & Mail printed this statement verbatim, and the original has been chopped up, as is required, when a statement of that sort is printed in the paper, and no doubt ----

THE COMMISSIONER: What was that -- what has been chopped up? What do you mean by that?

MR. HOOG: Used as set type, and no doubt it was a copy that was sent that day, on the later date, to the Attorney General.

THE COMMISSIONER: I have the original here.

MR. WILSON: You have the original. This was just handed to me just now, as I came into the room here, and I understood it came -- this statement had been given directly by the late Mr. Maloney to the Attorney General. I am now informed that it comes from the present Minister of Mines to the Attorney General. In other words, it was in the files of the Department of Mines.

(Page 4726 follows)

MR.WILSON: It is a duplicate original, as I recall it.

THE COMMISSIONER: This has what appears to be an original signature.

MR. WILSON: Unless my friends have any objection, we will put in a photostat of that.

---EXHIBIT NO.147: Statement from the late Right Honourable James Maloney,Q.C., later printed in the Toronto Globe and Mail.

MR. WILSON: I will have to proceed with another witness under the circumstances.

THE COMMISSIONER: Let me understand a little more about this statement, the original of which - of which a photostatic copy has been filed. Do I understand you to say that it was found in the files at the Department of Mines?

MR. WILSON: Yes.

THE COMMISSIONER: After Mr. Maloney's death?

MR. WILSON: That is what I am advised, Mr. Commissioner.

THE COMMISSIONER: And then it reached the Attorney General's Department from the Department of Mines?

MR. COMMON: From the present Minister.

THE COMMISSIONER: From the present Minister of Mines. So much for that! And then the statement which was published in the

Globe; what date was it published and perhaps we could get the copy of what was published in the Globe and Mail.

MR. HOGG: This might be of some assistance, Mr. Commissioner. I do not wish to file that, but I made the statement of what that contained. (Indicating)

You will notice that the letter is dated June the 19th, and Mr. Maloney sent down the original, I am advised, to the Globe and Mail, and it was published the following morning. Now, I have here a newspaper clipping; these are from the files, and should Mr. Wilson wish to have a copy, I wonder if he could have this photostated, and let us have this one back. This is a verbatim account, from the Globe and Mail.

THE COMMISSIONER: Why not attach the letter, dated June the 2nd, 1961, to the clipping from the Globe and Mail of June the 20th, 1961, and put them in together as Exhibit 148?

MR. HOGG: I wonder if photostats could not be made of that?

THE COMMISSIONER: You could arrange to have these photostated?

MR. WILSON: Yes.

THE COMMISSIONER: It does not matter whether you get the photostats or the original back, does it? The clipping, and this thing;

they will be Exhibit 148.

---EXHIBIT NO. 148: Clipping from Globe and Mail, dated June 20th, 1961, and copy of letter, attached to clipping, dated June 2nd, 1961.

MR. WILSON: I will call Mrs. Costello.

MRS. HELEN MARY COSTELLO, sworn:

EXAMINED BY MR. WILSON:

Q. You reside in Port Credit?

A. Yes sir.

Q. And you have lived there for some years?

A. Yes.

Q. And you work in a drug store in that area?

A Yes.

Q. And have worked there for some years?

A. Yes.

Q. Now, in 1958, where did you live?

A. 5 Woodlawn Avenue.

Q. 5 Woodlawn Avenue. You will have to speak up; in Port Credit?

A. Yes.

Q. Was that a house?

A. An apartment house.

Q. An apartment house?

A. Yes.

Q. And did you live with anybody else at that time?

A. No.

Q. You were living alone, at an

apartment, at that address?

A. Yes sir.

Q. And what was your telephone number in 1958?

A. Crescent 8-2538.

THE COMMISSIONER: Crescent what?

THE WITNESS: Crescent 8-2538.

THE COMMISSIONER: Were you working at the time?

THE WITNESS: Yes sir.

THE COMMISSIONER: And there would not be anybody at home, while you were working?

THE WITNESS: No.

MR. WILSON: Q. Did you work regular hours, in this drug store?

A. Yes.

Q. I mean, the same hours each day?

A. Yes.

THE COMMISSIONER: What were they?

THE WITNESS: They are rather varied in a drug store; I work three nights a week, and I am off three nights a week, and on the weekend - - - -

THE COMMISSIONER: Did you work all day?

THE WITNESS: Yes.

THE COMMISSIONER: Just a moment; that would be Monday, to Saturday?

THE WITNESS: And alternate Sundays.

MR. WILSON: Could I have Exhibit 121? (Handed to learned counsel)

THE COMMISSIONER: And also you say, three nights a week?

THE WITNESS: Yes.

THE COMMISSIONER: All right.

MR. WILSON: Q. What was your telephone number there?

A. Crescent 8-2538.

Q. Now, I show you a list of telephone calls; long distance calls from that number, from the period from May to June of 1958. Do you know anything about them?

A. No sir.

Q. As shown here, on Exhibit 121?

A. No.

Q. You know nothing about them? Now, can you tell us how all these calls would be made, and you would have no personal knowledge about them?

A. A friend of mine asked me if my phone number could be used for long distance calls.

Q. And who was that friend?

A. Jack Lafrade.

Q. Jack Lafrade?

A. Lafrade.

Q. Where did he reside at that time?

A. New Toronto.

Q. In New Toronto? How long had you known him?

A. About 18 years.

Q. To the best of your recollection, when was that arrangement made?

A. Do you mean the date?

Q. Well, approximately the month?

A. I would say round May or June.

Q. Of - - -

A. I am not too sure.

THE COMMISSIONER: Of what year?

THE WITNESS: Of 1958.

MR. HOGG: Mr. Commissioner, if Mr. Lafrade is in Court, I wonder whether he could be excluded.

THE COMMISSIONER: Is Lafrade in the Courtroom?

MR. WILSON: He is in the building, but he is not in the Courtroom. He is going to be called as a witness.

THE COMMISSIONER: What did he ask you?

THE WITNESS: He asked me if my phone number could be used for some long distance calls, for a friend of his.

THE COMMISSIONER: For a friend of his?

THE WITNESS: Yes.

MR. WILSON: Q. What did you understand was the purpose of this arrangement?

A. I really did not know.

Q. Well, did you have any knowledge as to who might be using it, and for what purpose?

A. No.

Q. And at the end of each month what would happen when the bills came in?

A. I would give them to Jack.

Q. And he would pay them? Or you do not know?

A. I do not know sir.

Q. In other words, you did not have any further request for payment from the Bell Telephone Company?

A. No sir.

Q. And this arrangement lasted for how long?

A. I would say three or four months.

Q. What brought it to an end?

A. Nothing that I know of.

Q. Yes; and who was Lafrade's friend that he wanted it for? Do you know?

A. The only person who was mentioned was a man called Ginsey.

Q. Was he a bookmaker?

A. Yes, I think so.

Q. Do you know how to spell Ginsey?

A. I do not know.

Q. Were you present when any of these calls were made?

A. Any calls were not made from my phone.

Q. I see. So, all that they had to do was to phone from another phone, and charge the call to Crescent 8-2538?

A. That is right.

B/2 Q. So that at no time did you have any knowledge of the actual call going through?

A. That is correct.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Are there any questions?

EXAMINED BY MR. HOGG:

Q. What did you know Jack Lafrade's occupation to be, Mrs.Costello?

A. I believe Jack was in the real estate, at that time.

Q. Did you not think this was extremely odd? When he wanted to charge telephone calls to your number?

A. No. I was not home all day; my phone was free all the time.

Q. But did not he give any reason?

A. No.

Q. Well, didn't you ask him: "Why don't you charge them to your own number?"

A. No, I did not. He just asked me and I did it as a favour to him.

Q. You did not think there was anything odd about it?

A. No.

THE COMMISSIONER: Nothing unusual about it?

THE WITNESS: No.

THE COMMISSIONER: You could have said: "Why don't you use your own phone?"

THE WITNESS: No. I did not know he had a phone, actually.

THE COMMISSIONER: You said he was in the real estate business.

THE WITNESS: I suppose he was, but I don't know that he had a phone; a phone he could use. He was living at home, and my phone was free.

THE COMMISSIONER: I beg your pardon?

THE WITNESS: He was living at home, and my phone was free.

THE COMMISSIONER: Could he not have a phone at home?

THE WITNESS: His parents were there.

THE COMMISSIONER: He had a phone in

the house where he was living?

THE WITNESS: Yes.

THE COMMISSIONER: Andyou did not say to him: 'Why don't you use your own phone?"

THE WITNESS: No, I did not.

THE COMMISSIONER: Or ask him, why he wanted to use your own?

THE WITNESS: Well, he told me when he said this man wanted to use it for some long distance calls; that is it. And I did not ask any further.

THE COMMISSIONER: You knew Lafrade pretty well, didn't you?

THE WITNESS: Yes sir.

MR. HOOD: Q. You had known him for 18 years?

A. Yes sir.

Q. As far as you were concerned, he was in the real estate business?

A. Not all the time, no.

Q. What was he doing? That was the question.

A. At that time?

Q. He was a good friend of yours?

A. He was in real estate.

Q. Did he have an office?

A. No.

Q. Did you ever telephone him at his home, or his place of business?

A. At his home, yes.

Q. Did you ever go out with him?

A. Yes.

Q. Wouldn't you be a little interested in what business he was in?

A. Yes.

Q. If he had an office? And what is the basis, Mrs. Costello, for your saying that he was in the real estate business?

A. Well, that is what I understood: That he was in the real estate business.

Q. Working for whom?

A. Working for himself.

THE COMMISSIONER: He lived with his parents, did he?

THE WITNESS: Yes, my lord.

MR. HOGG: Q. You do not know what office he was supposed to be in? Did you know where his office was?

A. No.

Q. In the west end of the City?

A. No.

Q. Or did he have an office?

A. He did not have an office.

Q. Did he ever discuss any business deals? Any house he had sold with you?

A. Jack and I never discussed his business.

Q. Did you ever meet Feeley?

Vincent Feeley?

A. No sir.

Q. Did Lafrade ever talk to you about Feeley or McDermott?

A. No sir, not that I recall.

Q. I beg your pardon?

A. Not that I recall.

Q. Wasn't he bragging about his connections with the big-time gambler?

A. No.

Q. You have lived in the west end for how long?

A. In Port Credit?

Q. Yes?

A. I have lived there all my life.

Q. You knew who McDermott and Feeley were? You had heard the name?

A. Yes.

Q. Everybody in Port Credit knew that?

A. That is right.

Q. Did you know Lafrade was connected with the Vets Club?

A. I did not know that.

THE COMMISSIONER: You say everybody in Port Credit knew about McDermott and Feeley?

THE WITNESS: Pretty well, I suppose.

THE COMMISSIONER: As what?

THE WITNESS: As regarding the Vets Club.

MR. HOGG: Q. Not only that, but if anybody got into trouble inthe west end of the City, or wanted advice along a quasi criminal way, McDermott and Feeley were the men to see?

A. I really don't know sir; I did not know McDermott or Feeley.

Q. Did you know that Lafrade had ever been in Court, and charged or convicted of any offence?

A. Not to my knowledge. Not that I know of.

Q. Did he ever discuss anything like that with you?

A. Not that I know of, no.

THE COMMISSIONER: I am still wondering; everybody in Port Credit knew of McDermott and Feeley in connection with the Vets Club?

THE WITNESS: Yes.

THE COMMISSIONER: What was everyone in Port Credit thinking was the Vets Club?

THE WITNESS: They knew it was a club in Port Credit, and it had been raided, and it was in the papers.

MR. HOGG: Following that up - - -

THE COMMISSIONER: Yes.

MR. HOGG: Q. In all fairness, everybody out there knew that this place was running wide open, and was a gambling house?

A. I suppose so.

THE COMMISSIONER: That was common knowledge out there?

THE WITNESS: I suppose so. I am speaking for myself, and not speaking for the Town of Port Credit.

THE COMMISSIONER: Oh, no, no, no. It was common knowledge out there, in any event?

THE WITNESS: I would say so, yes.

THE COMMISSIONER: For how long?

A. I really could not tell you.

THE COMMISSIONER: Well, roughly?

THE WITNESS: I could not say sir; I don't know.

THE COMMISSIONER: It was not for one week; it was for more than a week?

THE WITNESS: Oh yes.

THE COMMISSIONER: More than a year?

THE WITNESS: Yes.

THE COMMISSIONER: More than three years?

THE WITNESS: I would suppose so. I could not pinpoint any particular date.

MR. HOGG: Q. McDermott was notorious out there; and he or his wife would go into a supermarket, and everybody would say: "There is McDermott or Mrs. McDermott"?

A. I have never known McDermott.

Q. You have never seen him?

A. I have never seen ~~hm~~ him.

Q. Who was Ginsey?

A. I don't know.

Q. What was Ginsey supposed to do?

A. He was the one, I suppose, to use my phone; as I was under the impression he was using my phone.

Q. For what purpose?

A. He was a bookmaker.

Q. So you knew; Lafrade told you Ginsey was a bookmaker?

A. Yes.

Q. Now, did he tell you what his connection with Ginsey was? Do you know? Was he an Army friend of his, or what?

A. Just a friend, I would imagine.

Q. What else did you learn about Ginsey?

A. Nothing sir.

Q. Do you know Gogek, a lawyer?

A. I have heard of him; but never met him personally.

Q. You never met him? Or did you go to the office?

A. No sir.

THE COMMISSIONER: How do you spell that?

MR. WILSON: G-o-g-e-k.

MR. HOGG: Q. Where has Ginsey supposed to have lived?

A. I think in the New Toronto, Long Branch area.

Q. Was it ever suggested to you that you go to Gogek's office?

A. No sir.

Q. Did you know that Gogek was allowing his phone to be used?

A. I read it in the paper.

Q. Was that the first you heard of it?

A. Yes sir.

Q. Did Sol Gebirtig come to see you?

A. No sir.

Q. At any time?

A. No sir.

EXAMINED BY MR. SHIME:

Q. Were you ever paid for having your phone used?

A. No sir.

Q. Did anybody else ever pay you - or use your phone?

A. Personally no.

Q. Did you ever have your premises used for anything else?

A. No sir.

Q. Did anybody have the access or the key?

A. No sir.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Where is Mr. Rose? That is all, thank you.

---The witness retired.

MR. WILSON: I now call Jack Lafrade.

JACK LAFRADE, sworn:

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. 155 4th Street, New Toronto.

THE COMMISSIONER: 155 what?

THE WITNESS 4th Street, New Toronto.

MR. WILSON: Q. What is your occupation?

A. Real estate, more or less.

Q. More or less?

THE COMMISSIONER: Which?

THE WITNESS: More.

MR. WILSON: Q. Are you registered - - -

A. No, I am not. I have some property and I look after it.

Q. Where is that property that you look after?

A. No. 9 Mississauga Road and No. 11 Mississauga Road.

Q. What type of - - -

A. Duplexes.

Q. So, you look after the maintenance, and collecting of the rent. Is that it?

A. That is right, sir.

Q. And before you were in real estate, more or less, what were you doing?

A. Well, I worked at Campbell's Soup, and from Campbell's Soup, I worked in the Brewer's Retail store, in 1949, to 1950.

Q. The what?

A. The Brewer's Retail Store.

Q. As a salesman?

A. No. Driving a truck.

Q. Where were you living in 1948?

A. 155 4th Street,

Q. 155 what?

A. 4th Street, New Toronto.

Q. And in that year, what was your occupation?

A. Real estate.

THE COMMISSIONER: What year?

MR. WILSON: 1958.

A. Real estate.

Q. Real estate?

A. Yes.

Q. Now, you have two brothers?

A. Yes sir.

Q. They are Angelo and William, or Bill?

A. That is correct.

Q. What were they doing in 1958?

A. Joe was a steward at the Veterans' Club in Cooksville, and William Lafrade works at Continental Can.

THE COMMISSIONER: I thought you said the brothers were Angelo and Joe?

THE WITNESS: Angelo and William.

MR.WILSON: Which one do you call Joe?

A. Angelo.

Q. You call Angelo, Joe?

A. Yes.

Q. And he was the steward at the Vets' Club at Streetsville (sic) in 1958?

A. At Cooksville, yes sir.

Q. Were you a member of the Vets' Club at Cooksville, in 1958?

A. I was.

Q. And did you know Joseph McDermott?

A. I do.

Q. How long have you known him?

A. About 20 years.

Q. And Vincent Feeley; do you know him?

A. I have known him.

Q. How long have you known him?

A. Oh, about 25 years.

Q. And over the period of 20 to 25 years, have you been ~~a~~ close friends of these two men?

A. Quite close.

Q. And in 1958, around May, did you make some arrangements with the last witness, Helen Costello, to make use of her

telephone?

A. Yes, I did.

Q. Just tell us, as you recollect what you told her, about the proposed arrangement?

A. Well, I asked Mrs. Costello if I could have some calls charged to her phone number, and she says: "Fine", as far as she was concerned. I explained that when the bill came in, that I would pay for the calls.

Q. Who were you acting for, when you made that arrangement?

A. Well, a friend; a friend named Ginsey; the nickname is. Actually, it is Sam Hirtch.

Q. How do you spell Hirtch.

A. H-i-r-t-c-h.

THE COMMISSIONER: H-i-r-t-c-h?

THE WITNESS: That is right, sir.

THE COMMISSIONER: He was known as Ginsey?

THE WITNESS: Ginsey.

MR. WILSON: Q. Where did he live?

A. He lived in Toronto; but I mean to say, we used to make cards up at the Alpha Club; rummy and gin.

Q. At the Alpha Club? Are you talking about the Veterans' Club? The old Veterans' Club first name, or the name it had years back?

A. That is the name it had years back, yes sir.

Q. You had been associated with the operation from that time on, I take it?

A. That is correct, sir.

Q. Was he also a friend of McDermott and Feeley?

A. I presume he was, yes sir.

Q. Now did they, or either of them ask you to set this thing up?

A. No sir; not as far as Feeley and McDermott were concerned; Ginsey was the only one who asked me if he could charge a few calls on that telephone.

MR. WILSON: Could I have Exhibit 121. (Handed to learned Counsel)

What were you to be paid, for making this arrangement?

A. Not a thing, sir. The only thing I would get paid, when the bill came through, that the girl who owned the phone - they paid her phone bill. It was $4.85 at the time.

Q. In other words, they paid the regular rate?

A. Of $4.85.

Q. For the use of the phone?

A. Yes.

THE COMMISSIONER: Who did?

THE WITNESS: Ginsey.

THE COMMISSIONER: Who is "they"? You said "they " paid?

THE WITNESS: I said - I meant Ginsey.

THE COMMISSIONER: Well, you do not speak of Ginsey as "they"?

THE WITNESS: No.

THE COMMISSIONER: Who did you mean, whenyou said "they"?

THE WITNESS: I meant Ginsey; I gave it to him. I gave him the phone bill and he paid for it.

THE COMMISSIONER: Whom did you mean when yousaid "they paid the phone bill"? That is what I want to know.

THE WITNESS: I meant Ginsey, your Honour (sic).

THECOMMISSIONER: That is a funny way of describing Ginsey.

MR. WILSON: Q. Did you get these bills, for these long distance calls at the end of each month?

A. Well, the bill came in an envelope.

Q. Yes?

A. And Mrs. Costello got them, and she would hand them to me.

Q. And then what did you do?

A. I handed them to Ginsey.

Q. And did you personally, at any time, go to the Bell Telphone, about these

calls?

A. No sir.

Q. Or to the Accounts ?

A. Never.

Q. And you say that that is your only connection with the whole set up?

A. That is the only connection, sir.

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Q. Why would anybody go to the Telephone Company in regard to these calls, and suggest that McDermott was the man?

A. That I do not know sir.

Q. You do not know. Would it surprise you? Would it surprise you that anybody would go to the Bell Telephone and say it was McDermott?

A. Well, it does surprise me.

Q. I mean, it is surprising that it has come out?

A. That is right, sir.

Q. Now, who told you to terminate the arrangement?

A. Nobody.

Q. How did it come to an end?

A. Well, I took it for granted when the last - - the bill came through, that Mr. Hirtch or Ginney had another phone to call from, or use.

Q. Now, what was Hirtch's occupation?

A. Well, as far as I know he was a gambler.

Q. Yes. And where did he reside at that time?

A. Well, he resided in Toronto, but I could not give you the exact address.

Q. Where does he reside now?

A. I could not tell you.

Q. When did you last see him?

A. I have not seen him for - oh, it must have been a couple of years.

Q. Well, were you close to this fellow, Ginsey?

A. Well, I had known him for, oh, I would say, about 7 or 8 years.

Q. Yes?

A. An acquaintance made at the club.

Q. Is it not a fact that this was an arrangement you were setting up, for McDermott and Feeley, or one or the other of them?

A. No sir, not as far as - - - -

Q. You appreciate the nature of your oath?

A. I do, sir.

Q. And you appreciate the penalty for perjury?

A. I do.

Q. And you are swearing on your

oath that McDermott or Feeley, or their representatives, had nothing to do with this arrangement?

A. As far as I know, the only arrangements I had was with Mr. Hirtch. Now, if Mr. Hirtch met Feeley or McDermott or anybody else about the phone, I do not know sir.

THE COMMISSIONER: You have a phone at home?

THE WITNESS: Yes, I have.

THE COMMISSIONER: Q. Why did you not suggest to your friend Ginsey that he use your phone?

A. Actually the phone I have at home - I live with my mother and sister.

Q. Yes?

A. And they use the phone quite a lot.

Q. Yes.

A. And this girl was ~~xxxx~~ working in this drug store; in fact, we have been out together for the last 19 years, and she was the only one, and I got permission to use her phone.

Q. Was not the intention that anybody would go into her apartment?

A. None whatsoever.

Q. The plan was simply to use that number?

A. That is correct.

Q. Why did you not suggest to your friend Ginsey that he use your number?

A. I actually thought that the girl herself, living by herself - and it helped her in that way, that it paid her phone bill of $4.85 at the time, which seems like a lot of money to her, and she was paying that.

Q. That is your explanation?

A. Yes sir.

MR. WILSON: Q. Didn't your friend Ginsey have a pretty big operation?

A. I could not say sir.

Q. You saw the number of long distance calls at the end of themonth, when he got the statement?

A. I saw just the total amount.

Q. Yes. But you have no idea how big an operator he was?

A. No, I did not.

Q. But you knew he was a friend of McDermott and Feeley, did you not?

A. I took it for granted that he was; he was at the Club quite often.

Q. What was your connection with the Fianistclub in New Toronto?

A. I was a member of it.

Q. Just a member?

A. Yes sir.

Q. You did not have any part of

the operation?

A. None whatsoever.

Q. You are a known bookmaker?

A. I do not say I am a known bookmaker.

THE COMMISSIONER: You are a bookmaker who is not known. Is that what you mean?

THE WITNESS: No, your Honour (sic)

THE COMMISSIONER: Are you a bookmaker?

THE WITNESS: I have booked, yes.

MR. WILSON: Q. What was your connection with the Centre Road Veterans' Club?

A. Nothing.

Q. Then why in December 1958 would you go and visit Chief McGill, and have a talk about that club?

A. I have known Chief McGill for 18 years, and I did not go up there to talk as far as the club itself was concerned; I went more or less to talk about the concern of my brother there; that he was steward at the club.

Q. You were talking for Joe?

A. That is right.

Q. Joe asked you to go?

A. No, he did not ask me to go.

Q. You just thought this up yourself?

A. I went out on my own.

Q. Tell us what you said to Chief McGill, when you got there?

A. I did not say very much, in fact, Chief McGill was the one that asked me a lot of questions about the club, and I said to him, I said: "At any time that you want to go to theclub," and I said, "All you have to do, is knock at the door," and I said: "My brother is the steward there, and he will let you in."

Q. You asked him what action was going to be taken against theclub, did you not?

A. No sir, I did not ask him what action was going to be taken against the club.

Q. You deny his statement, that that is what was said?

A. I do.

Q. Now, what else did you tell him about your brother going to the door, if he knocked on the door?

A. That he would open the door for him, instead of using crowbars and sledge hammers.

Q. Who asked you to make this statement to the Chief?

A. Nobody.

Q. Nobody?

A. No sir.

Q. Then, you say you had no interest - - -

A. None whatsoever.

Q. In the club?

A. In the club.

Q. You never had a piece of it at any time?

A. None whatsoever; never.

Q. Then, did you offer him a case of Crown Royal, or a case of Scotch, and a case of Rum?

A. No sir, he lied when he said that I offered him a case of Scotch, a case of Crown Royal and the case of Rum.

Q. What did you offer him?

A. Nothing; he offered me a drink.

Q. You say you offered him nothing?

A. Absolutely nothing.

Q. So, you say he is lying when he makes that statement?

A. He certainly did; he was.

Q. What did he tell you? What did he say, on this interview?

A. He told me, he says, not to worry too much; he says if anything comes up, Jack: " I will give you a call" and he asked me for my phone number. So, we had a glass of ginger ale; he offered me a drink of Scotch,

and I said: "No thank you", so we had these glasses of ginger ale, and he said: "I will see you again."

Q. When did you meet him again?

A. I saw him in around the latter part of January of this year, at Toronto Township.

Q. Were you not talking a week later, at his home?

A. That is the only time that I had any conversation; I was at his place a week previous about that; before that.

Mrs.McGill came to the door, and not Mr. McGill, and said he had company; if I could drop over the following week, which I did, and that was the only conversation; the second week.

Q. The second? Is it not a fact that you went back after that conversation you have told us about, and asked him whether or not he had changed his mind?

A. No sir.

Q. You deny that?

A. I certainly do, because that was the only occasion that I had to talk to him. He stayed in the front room of his place.

Q. And your story is that you had been there the week prior to the day that you say you had this conversation?

A. That is correct.

Q. And not a week later, as he puts it?

A. That is correct, sir; in fact, I can prove it, because Mrs. Costello happened to be in the car the first time I went over there.

THE COMMISSIONER: Was she there the second time?

THE WITNESS: No, she was not, your Honour. I was in this place exactly about ten or fifteen minutes.

MR. WILSON: How do you fix the date of your first visit to the Chief?

A. I phoned him.

Q. Yes. Now, you were a member of the Veterans'Club, I take it, from 1957 through to the time it folded up?

A. Yes, I was.

Q. You say you had no interest in it?

A. None whatsoever.

Q. Your only concern was for the welfare of your brother Joe?

A. Exactly.

Q. And I suppose Joe had a pretty good thing there; and you wanted to help him out?

A. He was married, and I did not exactly help him out, but - - - -

THE COMMISSIONER: But what?

THE WITNESS: Well, the only concern was this: working at the place. That is all.

THE COMMISSIONER: Q. What was your concern? That is what I am interested in.

A. None whatsoever. My concern was in him.

Q. That is what I say: Why?

A. Well, just - - -

Q. Just what? Go ahead and tell me now?

A. Exactly, I don't know. My only concern was for my brother. That is all.

Q. His security I suppose?

A. Probably, yes sir.

Q. At the club?

A. At the club.

Q. So that he would be able to carry on?

A. I beg your pardon?

Q. So that he would be able to carry on?

A. Yes.

Q. Without being disturbed?

A. That was entirely up to him, your Honour.

Q. That was your idea, is that right?

A. Mmm.

Q. Do not say "Hmm". Say yes.

A. Yes.

Q. That was your purpose in going to McGill?

A. Yes sir.

THE COMMISSIONER: Yes.

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MR. WILSON: Q. Now, did you have any connection with the Jordan Club?

A. None whatever. I wasn't in the Jordan Club once.

Q. Were you a member there?

A. I was never a member there.

Q. Were you ever outside when there was a raid on there?

A. I was not.

Q. Do you recall the Superior Cleaners at 791 Lake Shore Road in Lakeview in 1958?

A. Superior Cleaners?

Q. Superior Cleaners, 791 Lake Shore Road. Do you recall being outside when a raid took place there?

A. Yes, I was outside.

Q. What was going on at that address?

A. I couldn't tell you.

Q. You could not say?

A. No.

Q. You just happened to be an innocent bystander who was nearby when the police came in?

A. It could have been.

THE COMMISSIONER: Q. No, were you?

A. Yes.

Q. Were you there for a particular purpose?

A. No.

Q. What time of the day was it, or night?

A. I couldn't tell you, your honour. It was in the afternoon some time.

Q. Daylight?

A. Broad daylight.

Q. You just happened to be walking past?

A. Driving by.

Q. Driving by. And what drew your attention?

A. Oh, there were a few people standing around. I thought for a minute it was an accident.

MR. WILSON: Q. That is all, thank you.

EXAMINED BY MR. HOGG:

Q. You say you are in the real estate business and that consists of managing two properties?

A. That is right.

Q. You do not sell or buy real estate?

A. No, I don't.

Q. Who owns these duplexes?

A. I do.

Q. You own them yourself?

A. Yes, sir.

Q. And apart from collecting the rent from two duplexes, what else do you do for a living?

A. Nothing.

Q. Nothing.

THE COMMISSIONER: Q. Is there any mortgage against the duplexes?

A. No, sir.

Q. How long have you had them?

A. Since 1955.

Q. What did they cost you?

A. About $40,000.

MR. HOGG: Q. Apiece?

A. No, for both.

THE COMMISSIONER: Q. Did you pay cash?

A. Yes, sir.

Q. Where did you get the cash?

A. Well, I borrowed some. I borrowed $25,000 from my family. And the rest I put myself.

Q. Did you give a mortgage to anyone to secure the $25,000?

A. I gave notes to my relations. I didn't get it from an individual, I got it from different -- four of them.

Q. You got it from four of them?

A. My brothers and sisters.

Q. Joe?

A. No, sir, not from Joe.

Q. From whom?

A. I got it from my sister Ann, my sister Edith, my brother Bill and my brother John.

Q. And you gave them notes?

A. Yes.

Q. For $25,000?

A. That is right, sir.

Q. What year?

A. 1955.

Q. And you have paid the notes off?

A. No, sir; I have quite a chunk to pay.

MR. HOGG: Q. Did you pay in cash?

A. Yes, sir.

Q. Now, when you got this money from them, was it in the form of cash or cheque?

A. It was cash.

Q. So, there is no way we can check that, can we, there is just your say-so?

A. No, sir.

Q. There is no written document we can check?

A. Just the documents the lawyer drew up, Douglas Johnson.

Q. Do you own any other property?

A. We own another property on Elizabeth Street, Joe and I.

Q. How much did you pay for that?

A. $21,000.

Q. Cash?

A. No, we put $5,000 down and had a mortgage on it.

THE COMMISSIONER: Q. Elizabeths Street, where?

A. Mimico.

MR. HOGG: Q. Did you own any other property?

A. No, sir.

Q. Have you any other property in your name?

A. Yes, a house on Dixie Road.

Q. When did you get it?

A. 1958.

Q. What did you pay for it?

A. $22,000.

Q. Cash?

A. Yes, sir.

Q. All cash?

A. Hm-hmm.

Q. Now, we have, from 1955, approaching the $100,000 mark in cash. Any other property in your name, Lafrade?

A. That is all.

Q. Is there any other property in your name? I am not asking about your property, in your name?

A. That is all.

Q. That is all. Do you own a car?

A. $21,000.

Q. [illegible]

A. No, we put $5,000 down and had a mortgage on it.

THE COMMISSIONER: Q. Elizabeth Street, where?

A. Mimico.

MR. HOGG: Q. Did you own any other property?

A. No, sir.

Q. Have you any other property in your name?

A. Yes, a house on Dixie Road.

Q. When did you get it?

A. [illegible].

Q. What did you pay for it?

A. $22,000.

Q. [illegible]

A. Yes, sir.

Q. All cash?

A. Hm-hmm.

Q. Now, we have, from 1955, approximating the $100,000 mark in cash. Any other property in your name, Lefrader?

A. That is all.

Q. Is there any other property in your name? I am not asking about your property, in your name?

A. That is all.

Q. That is all. Do you own a car?

A. Yes, sir.

Q. What kind?

A. A '56 Buick.

Q. Anything else?

A. That is all.

Q. Do you have a car registered in anybody else's name?

A. No, sir.

THE COMMISSIONER: Q. Have you a bank account?

A. Yes, sir, about two hundred and some dollars.

Q. Only one bank account?

A. Just the one.

Q. Safety deposit box?

A. Yes.

Q. Where?

A. Bank of Nova Scotia, New Toronto.

Q. How long have you had it?

A. Oh, for years.

Q. What is in it?

A. Deeds, insurance papers.

MR. HOGG: Q. Cash?

A. No, sir, no cash.

Q. No cash?

A. Not a quarter.

Q. Where do you keep your cash?

A. I haven't any.

Q. You have not?

A. No, sir.

Q. Now, there is $22,000 you put into a property on Dixie Road?

A. Yes, sir.

Q. Where did you get that?

A. I borrowed $12,000.

THE COMMISSIONER: Q..Who from?

A. From my sister.

Q. That is another $12,000.

A. And my other sister, Mrs. Schumann. I borrowed another $2,500 from my sister Ann.

MR. HOGG: Q. This all came in the form of cash?

A. Yes, sir.

Q. Not in cheques you can look at in the bank? You have sisters who run around with five and six thousand dollars in cash?

A. Yes. One works at the Continental Can and the other runs a canteen. The one at Continental Can gets $2.59 an hour.

Q. How much a week?

A. When they work on weekends I have seen her draw $135, $150.

Q. This money is saved from her salary?

A. She doesn't pay any board. She keeps the house, mother and dad.

Q. Did she keep this in a bank?

A. No, I don't think she keeps it in a bank.

Q. What is her name?

A. Ann Lafrade.

THE COMMISSIONER: Q. We want names of these sisters and their addresses. We will probably pursue this.

A. Ann Lafrade.

Q. Where does she live?

A. 155 Fourth Street.

Q. 155 Fourth Street?

A. That is correct.

Q. In New Toronto?

A. New Toronto.

Q. How much do you say you borrowed from her?

A. About $8,000.

Q. When?

A. 1955.

Q. All in one sum? That is not a total of $8,000, but one loan of $8,000? All right. The other sister?

A. Edith Natta.

Q. Edith what?

A. Natta, N-a-t-t-a.

Q. Where does she live?

A. 30 18th Street.

Q. 30?

A. 18th Street, New Toronto.

Q. She is married?

A. She is married but her husband is deceased.

Q. She is a widow?

A. She is a widow.

Q. How much did you borrow from her?

A. Oh, I think it was $6,000, your honour. I will have to get the notes. I have them in the safety deposit box.

Q. You have the notes you gave to her?

A. She has the notes and I have a copy of them.

Q. $6,000 you borrowed from her. All in one sum?

A. Yes, sir.

Q. When?

A. 1955.

Q. Who were the others of the family from whom you swear you borrowed money?

A. John Lafrade.

Q. Where does he live?

A. He did live at 94 --

Q. Where does he live now?

A. He is deceased.

Q. Where did he live when you borrowed the money from him?

A. 94 17th Street.

Q. How much did you borrow?

A. $5,000.

Q. All in one sum?

A. Yes, sir.

Q. Did he pay it to you by cheque or cash?

A. Cash.

Q. And your sister paid it to you by cash?

A. Yes.

Q. Who else did you borrow money from?

A. Mrs. Schumann.

Q. What is her first name?

A. Mary Schumann.

Q. How do you spell it?

A. S-c-h-u-m-a-n-n.

Q. Where does she live?

A. 49 9th Street, New Toronto.

Q. How much did you borrow from her?

A. $3,500.

Q. Did she pay it to you by cheque or cash?

A. Cash.

Q. Who else did you borrow from -- Or, excuse me, what year did you borrow it from John, first of all?

A. 1955.

Q. And what year did you borrow it from Mary?

A. 1955.

Q. Who else do you swear you borrowed money from?

A. W. Lafrade.

Q. What is his first name?

A. William.

Q. Where does he live?

A. 73 Emerald Crescent. He lived there. He lives in Cooksville now and I don't know. It is Eaglewood.

Q. Inglewood?

A. Eaglewood.

Q. Eaglewood?

A. Cooksville.

Q. How long has he lived there?

A. About a year.

Q. How much did you borrow from him?

A. $4,500.

Q. When?

A. 1955.

Q. I suppose you are saying he gave it to you in cash?

A. Yes.

Q. Who else do you swear you borrowed money from?

A. That is all.

Q. How much do you still owe?

A. I owe quite a lot. I owe over $25,000 yet.

Q. Your brothers and sisters loaned you $27,000 and they paid it to you in cash?

A. Hm-hmm.

Q. And you gave them notes for it?

A. I did.

Q. You have copies of the notes?

A. Yes.

Q. We will hear more about this later.

MR. HOGG: Q. The Commissioner said they ran around $27,000 --

THE COMMISSIONER: Is my arithmetic wrong?

MR. HOGG: No, I am not disputing that, Mr. Commissioner.

Q. You put a lot of your own money in this?

A. Yes, I did.

Q. You put in, roughly speaking, $45,000, $55,000?

A. No, sir.

Q. How much?

A. Roughly speaking, about -- I put in about $25,000.

Q. Have you paid off part of what you have told us you borrowed?

A. I paid up some.

Q. How much?

A. About two or three thousand.

Q. Where did you get the $25,000 from, cash, when you do not work?

A. I worked.

Q. Doing what?

A. Driving a truck. I had money saved up.

THE COMMISSIONER:

Q. In the bank?

A. I had some in the bank and I had some bonds. And I had some cash on hand.

MR. HOGG: Q. You saved up $25,000?

A. Yes, I did.

Q. From driving a truck? When did you drive a truck?

A. I drove a truck from 1941 to 1949, Brewers Retail. And at the time, when the beer was rationed, it was a good go; I made a lot of money.

Q. How much have you made since 1955?

A. I haven't made an awful lot. None.

Q. None?

A. No, sir.

Q. You do not work?

A. I don't work.

THE COMMISSIONER: Q. You are in the real estate business?

A. I am in the real estate business.

MR. HOGG: Q. But you do not work?

A. No.

Q. You do not do anything in the real estate business; you do not buy any houses, you do not sell any houses, you do not show people around?

A. No, sir.

THE COMMISSIONER: Q. But you make book?

A. In a small way, yes.

MR. HOGG: Q. And you run errands for Feeley and McDermott.

A. No, I never run errands for Feeley

and McDermott.

THE COMMISSIONER: Are you going to pursue the bookmaking end of it?

MR. HOGG: Yes, after dealing with one other matter, Mr. Commissioner.

THE COMMISSIONER: All right.

MR. HOGG: Q. When did you receive a subpoena for this inquiry?

A. Yesterday morning.

Q. When were you notified you were coming here?

A. Yesterday at five o'clock.

Q. Who did you consult?

A. Nobody.

Q. Have you seen Feeley or McDermott since this hearing commenced?

A. Yes. I saw Feeley last week. I can't give you the date.

Q. When was the first time since this hearing began?

A. I saw them twice. I couldn't tell you exactly when.

THE COMMISSIONER: Q. You saw them twice?

A. Yes.

MR. HOGG: Q. Where was the first time? Where?

A. The first time? It was in Feeley's car. Feeley was by himself.

Q. Where?

A. He come down 9th Street.

Q. How long were you in his car?

A. Oh, about three-quarters of an hour, an hour.

Q. Talking about the Commission?

A. Not exactly. Talking in general.

Q. And about these telephone calls?

A. Not about the telephone calls at all.

THE COMMISSIONER: Q. What?

A. Not about the telephone calls.

Q. When was this?

A. This is a couple of weeks ago, your honour.

MR. HOGG: Q. Lafrade, I asked you about the first time you saw Feeley or McDermott since this Commission started.

A. Two or three weeks ago. I don't remember.

Q. Are you swearing under oath you did not see either of them?

A. I saw Feeley come down 9th Street and I sat in the car.

Q. I am not talking of the incident in the car. Prior to that.

A. That is the only time.

Q. When is the next time?

A. I saw Feeley and McDermott last Saturday.

Q. Where?

A. At a restaurant in Long Branch.

Q. By pre-arrangement?

A. Yes, I was talking to them on the phone. I stopped to have a coffee.

Q. Who called you?

A. Feeley.

Q. Where were you when you were called?

A. I was at my sister's place on 9th Street.

Q. What is the telephone number there?

A. Clifford 1-5463.

Q. Feeley told you to meet him in a restaurant?

A. That is right.

Q. And McDermott and Feeley showed up?

A. That is correct.

Q. Was this in a booth?

A. No,an open restaurant.

Q. What did you talk about?

A. Nothing, in general.

THE COMMISSIONER: Nothing, in general.

MR. HOGG: Q. Why did they want to talk to you?

A. No reason.

THE COMMISSIONER: Q. Oh, witness. Feeley called you and said he wanted to see you?

A. That is correct.

Q. Did he not tell you what he wanted to see you about?

A. It wasn't actually anything discussed.

Q. He did not want to hold your hand?

A. No, he didn't want to hold my hand.

Q. What did he talk about?

A. We didn't talk about anything.

MR. HOGG: Q. Did you check that restaurant out for police, first?

A. No, sir, never.

Q. You did not?

A. Not that I know. I have many times walked in the place for coffee.

Q. What did they talk about?

A. They didn't talk about anything.

Q. They phoned you up, ordered you to go down there to meet them, they took all the trouble of coming down to the restaurant. What was said, and you are under oath.

A. I am under oath. There was nothing said.

THE COMMISSIONER: Q. Now, witness, you know if you tell an untruth under oath you can be charged with perjury?

A. Yes, I know that, your honour.

Q. Do you know the penalty for perjury?

A. Yes.

Q. Just keep that in mind and pay attention to this question and answer. Truthfully, what did you talk about?

A. We talked about the Commission, and stuff like that.

MR. HOGG: Q.. That is right. You know, the police have large ears in this Metropolitan area. Just let us get your version of what was said. You talked about the Commission?

c/3 A. That is right.

Q. What about it?

A. Nothing, in general. What was going on according to the newspapers, the writing --

Q. Let us talk about your position as far as this Commission is concerned.

A. My position?

Q. What would happen if you were called, was that discussed?

A. No.

Q. Or mentioned?

A. No, it wasn't.

Q. Are you swearing that under oath?

A. I swear.

Q. You know that was mentioned.

A. That wasn't mentioned.

Q. What else was? What about this Commission?

A. Just a discussion about what was

going on and the writing --

Q. Well, tell us?

THE COMMISSIONER: Q. They had read about that?

A. They had read about it.

Q. You had read about it?

A. I had read about it.

Q. Then, why the need to telephone you to find out what was in the paper?

A. No, not exactly.

Q. Why did they telephone you, what did they want to find out from you, what did they want to tell you?

A. First, they asked if I was called, if I was subpoenaed.

Q. Yes?

A. And that's about it.

Q. You told them no.

A. No.

Q. That did not take very long?

A. No, it didn't.

MR. HOGG: Q. They checked out to see whether you had got a subpoena?

A. That is correct.

Q. They found out you had not?

A. That is correct.

Q. So, they were interested in whether you were going to be called here before the Commissioner?

A. That is correct.

Q. Then, what was said?

A. Nothing.

Q. Now, now.

A. Nothing was said, and that is about as far as the conversation went.

THE COMMISSIONER: Q. How long were you talking to them?

A. We were talking about fifteen or twenty minutes. We had a coffee. Other people were in the restaurant.

MR. HOGG: Q. What about if you were going to be subpoenaed? They thought you might have had a subpoena already. We have established that.

THE COMMISSIONER: Q. Is that so?

A. No, sir.

Q. You nodded your head?

MR. HOGG: Q. You just said so.

A. That is correct, I said so.

Q. They found out you had not?

A. That I hadn't.

Q. The next thing they moved onto was, what is going to happen if you get a subpoena. Right?

A. Right.

Q. Right. To let them know?

A. Not exactly, no, sir.

Q. What do you mean "not exactly"?

A. Why should I let them know?

THE COMMISSIONER: Q. No, no. They were

suggesting to you you let them know if you got a subpoena?

A. No, sir. They didn't suggest no such a thing.

Q. They did not?

A. No, sir.

MR. HOGG: Q. You said you would let them know ---

A. I didn't say I would let them know.

Q. You did not?

A. No.

Q. What did you say about that?

A. Nothing. They asked me if I had been subpoenaed yet and I said no.

Q. We have finished with that part. We next moved on to this question: If you are going to get a subpoena, that was brought up, what would happen if you got a subpoena? Tell the Commissioner about that.

A. They didn't say if I got a subpoena.

Q. You just told us a few minutes ago under oath.

A. They asked me if I had been subpoenaed and I said no. Now, there was no further discussion if I was going to get a subpoena to let them know.

Q. There was a discussion if you were to be subpoenaed?

A. No, there wasn't.

Q. What else was said?

A. Nothing.

THE COMMISSIONER: Q. You got a subpoena when?

A. Yesterday morning about eleven o'clock.

Q. When did you let them know about that?

A. I didn't let them know.

Q. You did not tell them?

A. No.

MR. HOGG: Q. Who did you let know?

A. Nobody.

Q. Nobody?

A. Nobody.

THE COMMISSIONER: Q. Not even the last witness, Helen Costello?

A. No.

Q. You did not tell her, either?

A. I told her. She phoned me she had to come down this morning.

Q. Yes?

A. And I says, "I am going down, too; I have been subpoenaed". That was last night around ten o'clock.

MR. HOGG: Q. The phones were buzzing?

A. The phones were not buzzing.

Q. Is your brother in court?

A. No, sir.

Q. When did you last see your brother,the steward?

A. The steward?

Q. Yes.

A. Sunday.

Q. Sunday?

A. Mm-hmm.

Q. What else was said in this restaurant?

A. Nothing.

Q. We have not covered fifteen minutes; we have covered about three.

A. There was nothing. We drank our coffee.

THE COMMISSIONER: What is the use of pursuing that with this witness?

Q. Frankly, witness, I do not believe you.

A. Well, that is the truth, your honour.

MR. HOGG: Q. Do you know a Worthy Bennett or "Spike"?

A. Who?

Q. Spike Bennett, Worthy Bennett?

A. No, sir, I don't.

Q. You do not. You know William Lafrade?

A. Yes, I do.

Q. You know A. Lafrade?

A. Yes, I do.

Q. You are Jack Lafrade?

A. That is correct.

Q. Do you know Ernie Midgely?

A. Yes, I have seen Ernie.

Q. Do you know J. McDermott?

A. Yes.

Q. There are two more names on this list I have got here. One is John Pleschuk.

A. Yes.

Q. And J. Papalia.

A. I don't know him and never met him.

Q. Nobody wants to say they knew him. Do you know J. Paplia?

A. No, sir.

Q. Johnny Pops?

A. Don't know him; never saw him.

Q. How do you explain your name being on a list with these other gentlemen I have mentioned found by the police at Spike Bennett's place on March 26th, 1959?

A. Spike Bennett? I have never been in Spike Bennett's, and I don't recognize Spike Bennett.

Q. Have you never heard of him?

A. I have heard of him but I have never met the man.

Q. Where does he live?

A. I haven't the slightest idea.

Q. What have you heard of him, what

is he?

A. I couldn't tell you. I just heard his name. I don't know what he does for a living. Whoever put my name on that list must have been mistaken.

Q. Mistaken about what?

A. About my being at Spike Bennett's. 1959.

Q. Did you book for him?

A. No, sir.

Q. Tell us about your bookmaking operations out on the Lake Shore?

A. I haven't any now. I did have a place on 7th Street years back. For about a year and a half, then I was pinched.

Q. When was that?

A. I guess about 1953, '52.

Q. How long have you been making book out on the Lake Shore?

A. About a year, a couple of years.

THE COMMISSIONER: Q. When did you stop?

A. I stopped about 1954.

MR. HOGG: Q. Are you saying, witness, you have not taken a bet since 1954?

A. I am.

Q. Who did you used to phone your bets into?

A. Nobody. It was such a small operation you could just about remember.

Q. Do you want the Commissioner to believe that?

A. Believe it or not. That is the truth.

Q. Do you know Bob Weatherup out there?

A. Oh, yes.

Q. Who was he?

A. He was the Chief.

Q. Did you see him often?

A. Not lately; he is retired.

Q. He is dead now.

A. He is not dead.

Q. He is not dead?

A. No, he is the President of the Legion in New Toronto. Very much alive.

Q. What connection did you have with the Finnish Club?

A. I was a member.

Q. Tell us about the Finnish Club since you were a member. First of all, there were not any Finnish people in it, were there?

A. No. There might have been.

Q. Could you name one Finn that was in that Club?

A. No, sir.

Q. We have heard some evidence about improving Finnish-Canadian, or something, relations. There were three prosecutions against the Finnish Club. Being a member you

would know about that. Who was charged the first time?

A. John Fleschuk.

Q. Johhny Fleschuk. Who else?

A. I think Ken Currier.

Q. Do you know John Fleschuk yet?

A. Yes, I do. We went to school together.

Q. You went to school with him.

THE COMMISSIONER: Q. Where were you born, sir?

A. In Italy.

Q. What part of Italy?

A. A little town just outside of Naples.

Q. What is the name of it?

A. Cartesa.

Q. Spell it.

A. C-a-r-t-e-s-a.

Q. When did you come to Canada?

A. 1922. 1921.

Q. How old are you?

A. I am fifty-one.

MR. HOGG: Q. You came under the name of Lafrade?

A. That is correct.

Q. Spelt the same way it is now?

A. No. This Lafrade on citizen papers is spelt L-o-f-f-r-o-d-i.

Q. What would your name be registered

in in Italy?

A. Under that spelling that I just spelt.

Q. What was Johnny Pleschuk's occupation?

A. He was a steward at the Finnish Club.

Q. He did not do anything else except be a steward there?

A. No, sir.

Q. Were you an officer of that club?

A. No, sir.

Q. How much did the steward get paid?

A. I couldn't tell you.

Q. Well, about how much?

A. Oh, $50, $60 a week, $70. I haven't the slightest idea.

Q. Was not your brother Angelo President of the Finnish Club? I mean, in name only, but he was down as President?

A. Yes, I think he was.

Q. There were two prosecutions against the Finnish Club and then it moved. Do you remember it moved around the corner?

A. Moved around the corner?

Q. You fellows moved the physical premises to another building.

A. In the same building.

Q. But you moved your club room, if

you want to call it that, from one address to another?

A. It was in the same building.

Q. Is my question not clear?

A. Yes, it is clear, but you said "you moved around the corner", but it's in the same building. The entrance was on 6th Street and, then, we moved the entrance on the lane side. Is that what you meant?

Q. And the police went in one day and hid under a trap door with a tape recorder?

A. Yes.

Q. And charged Fleschuk. Were you in court at that time?

A. No. Yes, I was there a day.

Q. Mr. Addison was the magistrate?

A. Yes.

THE COMMISSIONER: You are talking about the first prosecution?

MR. HOGG: No, the last.

THE COMMISSIONER: Let us get this in chronological order.

Q. There were three prosecutions. The first was Fleschuch and Currier?

A. There were two prosecutions I know of. If there is a third one I only know two.

MR. HOGG: Q. It was Chappell and Fleschuk, to begin with?

A. I don't remember that.

Q. Chappell. Then, there was Currier, John Currier?

A. I don't know anything about Chappell. I know Fleschuk and Currier.

Q. Then, there was the one where Fleschuk got three months.

A. That is correct.

Q. And $1,000 fine?

A. That is correct.

Q. You were in court during the trial?

A. Partially.

Q. Most of it?

A. I wasn't at the end. I mean to say, when --

Q. You were there with Joe McDermott the first day?

A. Yes, Joe McDermott was there.

THE COMMISSIONER: Q. You were with him?

A. Well, I come in by myself but we sat together.

MR. HOGG: Q. Sat together right at the back of the court?

A. That is right.

Q. And the Metropolitan police were perhaps giving you -- under observation and neither you nor McDermott came back the last day?

A. No, I didn't come back. I don't

know about the opposite case.

Q. McDermott owned the Finnish Club, didn't he?

A. That is correct.

Q. And Johnny Fleschuk was an employee of his?

A. He was the steward of the Finnish Club.

Q. The steward. And Johnny got the three months and Joe looked after his family? Right?

A. I couldn't tell you.

Q. Here is a pal of yours, you have gone to school with, who went off for three months. You would be worried about his family?

A. Why?

Q. Wouldn't you?

A. No, sir.

Q. You knew they would be looked after?

A. Why should I?

Q. I thought he was a friend of yours.

A. He is. I mean to say, to talk to.

Q. McDermott looked after his family?

A. I couldn't tell you. I don't know anything about it.

Q. Who paid his fine?

A. I don't know. As far as I know,

Pleschuk paid it himself.

Q. Where did he get the money for it?

A. I couldn't tell you.

Q. Currier was just an employee, wasn't he?

A. As far as I know, he was the steward up at the other -- .

THE COMMISSIONER: Q. As far as you know he was a steward up at what, where they moved to?

A. No. There was another branch, another store at Long Branch that Currier was the steward of.

MR. HOGG: Q. Did Feeley have a piece of the Finnish Club as well as McDermott?

A. I couldn't say.

Q. You just know about McDermott. You have told us that already. They took bets there, we know that; there was a tape recording of it in evidence. You are aware of that. Did they ever phone any bets out to any place?

A. That I don't know.

Q. As far as you know they just took them in?

A. I couldn't tell you that.

Q. Do you say you do not know anything about that?

A. I don't know anything about it;

I never heard about it.

Q. You were in court and heard that tape recording?

A. Yes, I knew I heard that, but as far as being in the club when bets were taken or relayed.

Q. Did you make any money out of the club?

A. No, not a quarter.

Q. Did you do any work at the club?

A. No.

Q. What did you do at the club?

A. Nothing. I used to go in there and played cards.

MR. HOOG: It is twenty-five to twelve, Mr. Commissioner, and I would like an opportunity ofchecking through some files we have. I did not know this man was going to be called until last night.

Are you going to recess?

THE COMMISSIONER: If you want a recess now is as convenient as any time.

---Short recess.

(Page 4784 follows)

D/1/DON

---On resuming:

MR. HOGG: Q. Now during the recess, Mr. Lafrade, I have had an opportunity to do some addition. Of all the property you have bought since 1955, it totals $87,000, right?

A. I make it 67.

Q. And you have borrowed how much?

A. 25 at one time and I borrowed another 10 afterwards.

Q. How do you get 67?

A. Well, the Mississauga, I paid cash, was $40,000.

Q. That is the duplexes?

A. That is the duplexes.

Q. 20,000 apiece?

A. 20,000 apiece.

Q. So for the duplexes, $40,000?

A. And Dixie Road in 1958 was $22,000.

Q. Right.

A. Elizabeth Street, we put $5,000 down on the duplex. I think we bought that in 1952 or '53, and we carried a mortgage on that.

THE COMMISSIONER: Q. How much down?

A. We had $5,000 apiece, my brother and I, and we ---

Q. $5,000 apiece?

Mr. Green. Mr. Jones, do you recognize,

Mr. Jackson, I have had an opportunity to

to some extent. If all my property you

been bought since 1[illegible], is [illegible]

FIGURE

A. I know it is.

Q. Did you have [illegible]

Q. If so, [illegible] and I [illegible]

[illegible] Mr [illegible].

Q. How is [illegible]

A. Well, [illegible] I [illegible]

[illegible], and [illegible].

Q. This is the [illegible]

Q. [illegible] is [illegible]

Q. [illegible]

Q. [illegible]

Q. [illegible] [illegible]

A. [illegible] [illegible]

[illegible].

A. [illegible].

Q. [illegible] [illegible] — [illegible]

[illegible] to the [illegible]. I [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible].

[illegible] [illegible]: Q. [illegible] [illegible]

A. [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] —

A. [illegible]

A. Yes.

Q. $10,000 altogether?

A. That is correct, and carried $11,000 mortgage on Elizabeth Street.

MR. HOGG: Q. Who held the mortgage?

A. I don't remember the people that we bought the house from.

Q. You gave mortgage back?

A. Oh no, we paid so much a month on the mortgage.

Q. Who held the mortgage?

A. The people we bought the house from, Scobe, I think it was.

Q. You gave a mortgage back?

THE COMMISSIONER: Q. For how much?

A. $11,000.

MR. HOGG: Q. How much have you paid off on that?

A. $50 a month on the principal, plus the interest, and carried it for five years.

Q. Is it all paid off now?

A. We paid it off, I think, 1957, '58, the balance of it, which is another $4,000, but since, I believe, then,the property has been sold.

Q. Pardon?

A. That property has been sold.

Q. What did you sell it for?

A. $21,000.

Q. Yes.

Q. [illegible]

A. That is correct, and [illegible]

[illegible] mortgage on [illegible] [illegible].

MR. [illegible]: Q. Was [illegible] [illegible]

A. I don't remember the details but

we brought [illegible] home from

Q. [illegible] [illegible]

A. Oh no, we paid [illegible] a month

on the mortgage.

Q. Did [illegible] [illegible]

A. The payment on [illegible] the house

[illegible] [illegible] [illegible].

Q. You gave a mortgage [illegible]

[illegible] [illegible] [illegible] the [illegible]

A. $12,000.

MR. [illegible]: Q. [illegible] [illegible] [illegible] [illegible]

out on [illegible]

A. [illegible] a [illegible] on the [illegible],

plus the [illegible], [illegible] [illegible] [illegible] [illegible]

[illegible].

Q. Is it [illegible] [illegible]

A. [illegible] [illegible], I [illegible], [illegible].

"Q. The [illegible] of it, [illegible] [illegible] [illegible],

but [illegible], I believe, [illegible], [illegible] [illegible]

has been [illegible].

Q. [illegible]

A. That's [illegible] [illegible] been [illegible].

Q. What did you [illegible] [illegible]

A. $[illegible].

THE COMMISSIONER: Q. That is what you paid for it?

A. That is what we paid for it.

Q. And you sold it for exactly what you paid for it?

A. 21 or 21-5, your honour. I think it was 21-5, if I am not mistaken, and we paid $21,000. We paid it off in, oh, I think it was six years, six, seven years. We collected the rent off it, $210 a month for the place.

MR. HOGG: Q. You told the Commissioner you saved some money from driving a truck?

A. Yes, sir.

Q. How much did you save?

A. I saved about $30,000.

Q. Driving a truck?

A. Yes.

Q. That would have been in the bank, of course?

A. No, it wasn't in the bank.

Q. Where was it?

A. I kept it in a safety deposit box.

Q. Where?

A. The Bank of Novn Scotia.

Q. The one you told the Commissioner about?

A. Yes.

THE COMMISSIONER: Q. Have youfiled income tax returns?

A. Yes, I have, your honour.

Q. Have you them at home? The copies?

A. Yes, I have. I was called to the income tax in 1957, your honour, and I paid quite a chunk, and it ---

MR. HOGG: Q. Have you ---

THE COMMISSIONER: Q. Go on.

A. They went back from 1950 to 1958 to pay income taxes.

Q. They checked up on you in 1957?

A. That is correct.

Q. How far back did they go?

A. They went back to 1950.

Q. Back to 1950. How much did you have to pay?

A. Close to $16,000.

MR . HOGG: Q. Cash?

A. That is right.

Q. How did you pay them?

A. Paid it in cash.

Q. In cash?

A. I borrowed $5,000.

THE COMMISSIONER: Q. Who from?

A. From Mr. Laurent, Eastwood Park Hotel, Long Branch.

Q. When?

A. 1958.

MR. HOGG: Q. What about the other $11,000?

A. I had some money.

Q. Where?

A. At home.

Q. In a box?

A. Hm-hmm.

Q. $11,000 in cash?

A. I borrowed some.

THE COMMISSIONER:Q.No, no. You borrowed $5,000 and had to pay $16,000.

A. $15,000 and change.

Q. You borrowed $5,000 and you had $10,000 tucked away in a box at home. Is that your evidence on oath?

A. That is right.

Q. How long did you have to get it?

A. Not very long.

Q. How long, please?

A. Oh, a year or two.

Q. Well, was it one or two years?

A. Two years.

Q. Where did you get it?

A. I saved it.

Q. Over what period of time did you save $10,000?

A. Well, I had a piece of property in Long Branch, your honour, and I bought it for $4,000 and sold it to the Prudential Life for $12,000 and I made a gain of about $8,000 there.

Q. You put it where?

A. In a safety deposit box.

Q. That isn't what we are talking about. We are talking about the money you had in a box at home. Where did you get that money?

A. I saved it.

Q. From what?

A. Gambling.

Q. Gambling. You saved $10,000, or saved $10,000 from gambling in what period of time?

A. About two years.

Q. How did you describe yourself on your income tax return?

A. Well, at the time I described myself as a gambler.

Q. In your income tax return?

A. That is right.

Q. And not as a real estate man?

A. No, sir.

MR. HOGG: Q. How much did you get paid as a truck driver?

A. I got paid $45 a week.

Q. When was the last time you worked as a truck driver?

A. 1949.

Q. Are you trying to say you saved up thousands and thousands and thousands of dollars?

A. I made a lot of money then when the

beer was rationed.

Q. That was your evidence before the recess, you saved this money up from driving a truck. Now, you are under oath.

A. Yes, sir.

Q. Is that correct?

A. That is correct.

THE COMMISSIONER: Q. You had $10,000 at home in a box. What kind of a box?

A. An ordinary box.

Q. A shoe box or what?

A. A tin box.

Q. Where did you keep it?

A. In the drawer.

Q. Where?

A. In the dresser drawer.

Q. You kept it in the dresser drawer in your house. And in addition to that you had some money in a safety deposit box?

A. That is right.

Q. How much?

A. Before I bought the building I had about $25,000.

Q. In the safety deposit box?

A. Yes.

Q. When did youbuy the building?

A. I bought the building in 1955.

Q. Just a moment. Where was the building?

A. Mississauga Road.

Q. At the time you bought it, you had $25,000 in a safety deposit box?

A. No, I didn't have quite that much at the time.

Q. How much, then?

A. About 15.

Q. Why did you have $15,000 in securities in a safety deposit box and $10,000 in a tin box in yourdresser? Why didn't you put it all in the safety deposit box?

A. I kept some money on hand.

Q. For what purpose?

A. Well, I gamble. Sometimes you run into a losing streak.

Q. Well, I know, but itdoesn't seem to be common sense to me, that you would have $15,000 in security in a safety deposit box and keep $10,000 in a tin box in your dresser drawer.

A. It is just as safe at home there as it is at the bank.

Q. Did anybody know you had this money in your tin box?

A. My mother knew about it.

Q. How old is she?

A. 71.

Q. Did anybody else know about it?

A. That is all.

Q. That is all. When you made the payments on the mortgage on the Elizabeth Street house, did you pay it by cheque?

A. Well, we took the cash over to Douglas and Johnson and they paid by cheque.

Q. Have you got your income tax returns back for 1950, in your possession?

A. I haven't got them from 1950. I have a statement from 1950 to 1958, and I have the return for 1960 and '61. I haven't the return for 1961, yet.

Q. In each of the years from 1950 to 1957, did you pay income tax?

A. Yes, I did.

Q. How much?

A. Oh, I paid two or three hundred dollars a year. It varied.

Q. In 1957 the Income Tax Department got after you and you had to pay $16,000?

A. I didn't show the revenue I was collecting from the apartment and duplex on the Mississauga Road and Elizabeth Street properties.

Q. And you had to pay $16,000?

A. Pretty close to it.

THE COMMISSIONER: Pretty close to $16,000. Yes.

MR. HOGG: Q. More seems to be coming out. Have you owned any other properties at any other time, other than the ones you have told us about?

A. No, that is all.

Q. You know what I mean now. Have

you bought and sold any that you haven't told us about?

A. No, just the property I had there in Long Branch and sold it to the Prudential.

Q. Does your mother hold any property?

A. The house they live in on Forest Street.

Q. Do your sisters or brothers hold any property for you?

A. No.

Q. Do you own an interest in any property?

A. None whatsoever.

Q. Who is Ralph Clark?

A. He is a fellow who lives in Port Credit.

Q. What does he do?

A. I don't know.what he is doing now. I haven't seen him for a few years.

Q. What did he used to do?

A. He used to bookie years back, that I know of.

Q. Did you ever work for him?

A. No, sir.

Q. Do you know him pretty well?

A. Yes, I know Ralph.

Q. Were you ever raided by the police or Sergeant Anderson, some years back?

A. No, sir. I was raided by Sergeant

Cronin.

Q. Sergeant Cronin. There was something about a cigarette package, wasn't there?

A. That is correct.

Q. When was this?

A. I don't remember if it was 1953 or 1954. It could have been either 1953 or '54.

Q. You were making book then, you told us?

A. That is right, at 7th Street.

Q. Where?

A. 7th Street.

Q. New Toronto?

A. New Toronto.

Q. What was 7th Street? A home, or what? A cigar store?

A. It was an old house and a little store in the bottom.

Q. Sergeant Cronin raided you?

A. Hm-hmm.

Q. Tell us about the cigarette package.

A. Well, evidently somebody dropped a package of cigarettes and there happened to be slips in it and the police picked it up and opened it and found a slip with a bunch of horses written on it.

Q. In your writing?

A. No, it wasn't my writing and it wasn't Clark's, that I know of. At least, he said it wasn't.

Q. You suspected that was planted, didn't you?

A. Well, I couldn't say for sure, but it looked that way.

Q. By Feeley and McDermott?

A. I couldn't say.

Q. That is the way you thought at the time, wasn't it?

A. I didn't think anybody atthe time. There happened to be three or four men in the place when the police walked in and picked up the package of cigarettes, Black Cat, opened it and found a slip in it and a bunch of horses written on it.

Q. Didn't Feeley and McDermott want to knock you out at that time and get you working for them?

A. If they did, I didn't know it at the time.

Q. Tell us what you know? What you found out about it later.

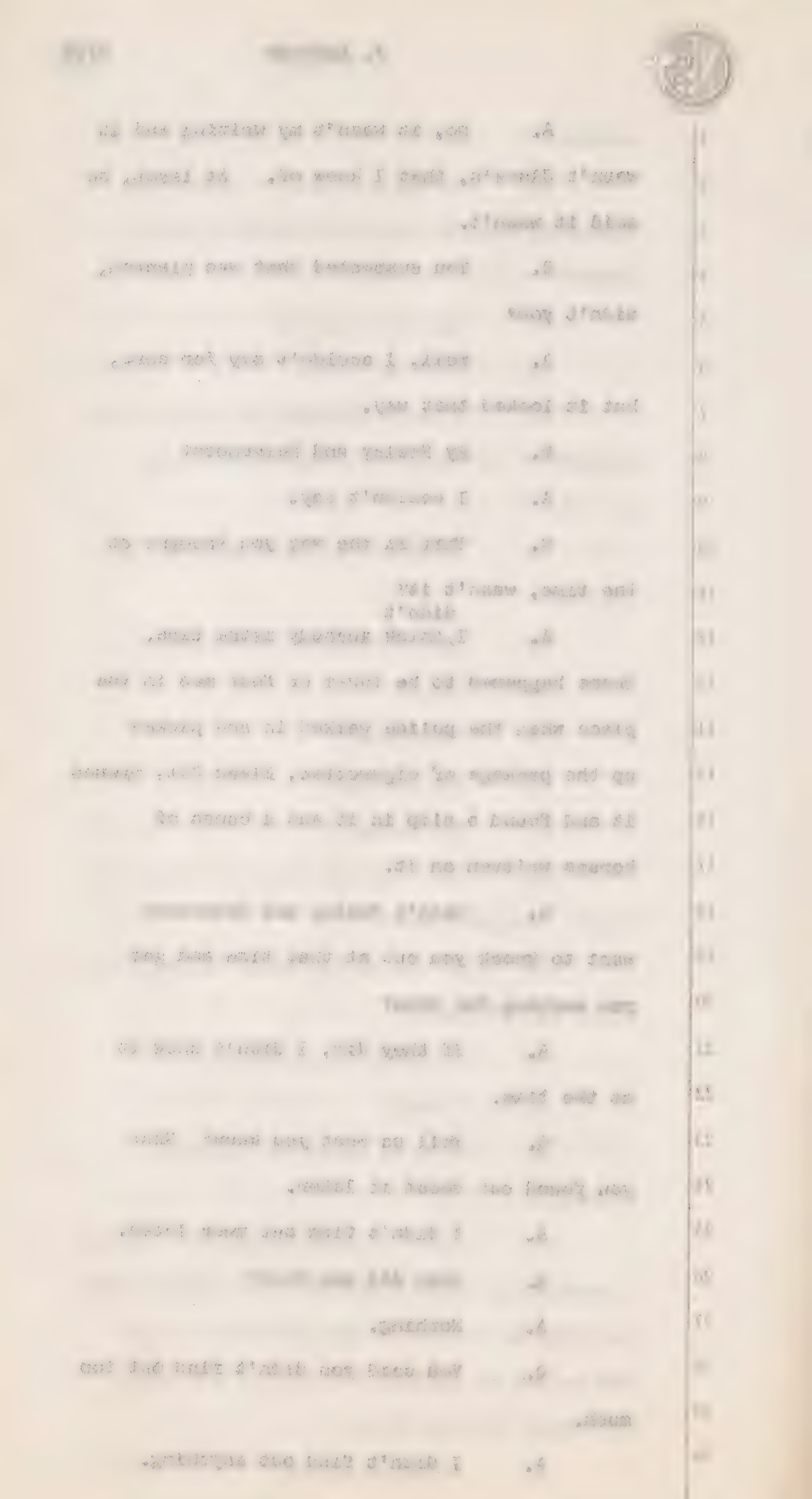
A. I didn't find out much later.

Q. What did you find?

A. Nothing.

Q. You said you didn't find out too much.

A. I didn't find out anything.



Q. Why did you say "too much"?

A. At the time you said to me: "You went to work for him". I didn't go to work for anybody.

Q. You suspected Feeley and McDermott had set you up?

A. No, I didn't suspect anybody. Somebody did, no doubt about it, but I didn't know who did.

Q. Later on, did you suspect them?

A. No, sir.

Q. Did you tell anybody about it?

A. No, sir.

Q. What happened to the case?

A. We won it. As a matter of fact, after we won it, a week after, Inspector Tonlinson came in, and the way he explained it, he happened to be on his holidays when this incident took place, and he said to me, "I am glad you won the case because if you hadn't we would have put an appeal in, because to me it looked - it stunk right from the start. Somebody did it deliberately."

Q. Did he indicate who he thought had done it?

A. No, there was no names mentioned.

Q. Cronin found this, did he?

A. I couldn't say. I wasn't in the store when it happened.

Q. How well did you know Cronin?

A. It is several -- I saw him several times, that is all.

Q. After he left the Force, you saw him?

A. No,I haven't seen him since he left the Police Force. I haven't seen Cronin for years.

Q. How often did you go to the Centre Road Club?

A. Oh, once in a while. Not very often.

Q. What did you do there?

A. Played gin and played poker and rummy.

Q. There was always a banked crap game going on out there?

A. I couldn't tell you whether it was a banked game or a fade game or what it was. I didn't play.

THE COMMISSIONER: Q. What did you win all your money gambling at?

A. I played gin, your honour,and I played poker.

Q. Is that all?

A. Yes.

Q. You seem to be a very lucky fellow.

A. I have been playing cards for years. Played cards all my life, practically. I love playing cards. I don't know anything about dice.

MR. HOGG: Q. Who did you win all the money off?

A. A lot of people go out there.

Q. You won all this at the Veterans Club?

A. No, not all at the Veterans Club. There were other games.

THE COMMISSIONER: Q. Where?

A. House games, around town, in the city.

MR. HOGG: Q. How much did you get from the Finnish Club?

A. Nothing.

Q. You say you never got a cent out of the Finnish Club?

A. Not a quarter.

Q. Did you ever see Maxie Baker out at the Finnish Club?

A. No. I heard of him but never saw him.

Q. Never saw him?

A. No, sir.

MR. HOGG: I think that is all, Mr. Commissioner. No doubt this witness might be brought back later when some other material is available?

THE COMMISSIONER: He will be around. Any questions?

EXAMINED BY MR. SHIME:

Q. I have been also doing a little addition, witness. You say the amount of money you saved was approximately $25,000?

A. Around that.

Q. I believe the Commissioner has added $27,000 and that would make $52,000; is that correct?

A. That is correct.

Q. Now, the total money spent for property would be about $67,000. You mentioned you borrowed $10,000?

A. That is right.

Q. Where did you borrow it from?

A. I borrowed a little from my sisters and my brother, 1,500 and $2,000.

Q. You indicated before, you borrowed $27,000 off your sisters?

A. I borrowed 25 at the start, and another 10,000 later on when I bought the house on Dixie Road. That was three years later.

Q. What year was that?

A. 1958.

Q. You borrowed from your brothers and sisters $35,000?

A. That is correct.

Q. How much of that have you paid back?

A. About $7,000.

Q. What income did you derive from your properties?

A. About $6,300 a year.

Q. $6,300 a year?

A. Yes.

Q. And you paid back your brothers and sisters, you say, about $28,000?

A. No, I paid about $6,000 or $7,000.

Q. So you still owe them $28,000 or $29,000?

A. Yes.

Q. What about the money you received from the duplexes?

A. That is the money I used to pay them back, to pay some of it.

Q. So you have collected, since 1955, about $42,000, and you paid back $6,000 out of that money. What have you done with the other $36,000?

A. I paid the income tax, there. 15, $16,000 it cost me in 1958.

Q. I thought you borrowed some of that money.

A. I borrowed $5,000 and I paid that back to Mr. Laurent of Eastwood Park.

Q. Now, you say you saved the money from selling or from working as a truck driver?

A. Hm-hmm.

Q. You were paid $45 a week. That would be about $2,500 a year?

Q. What lesson did you derive from

that experience?

A. Spend $3,700 a year.

Q. $3,300 a year?

A. Yes.

Q. And you said last year involved

one million, two and, above $75,000?

A. No, I paid about $2,000 or $3,000.

Q. So you still can live on $3,000

or $4,000?

A. Yes.

Q. What about the money you received

from the discount?

A. That is one money I used to pay

this book, to pay some of it.

Q. So you also borrowed, your

$3000, count $15,000, and you also saved $7,000

out of that money. What have you done with

the rubber $12,000?

A. I paid the income tax, sorry.

$2, $10,000 is cost me is $3000.

Q. I thought you borrowed some of

that money.

A. I borrowed $10,000 and I paid

back book to me. Instead of borrowed back.

Q. Now, you say you saved the money

from selling of from working as a crane driver

A. Yes.

Q. You said you $4 a year. How

much do about $4,000 a year

A. Well, I averaged close to $100 on tips.

Q. $100 a week on tips?

A. Pretty close to it. Between $75 and $100. At the time the beer was rationed, and every time you did them a little favour, you got paid for it.

Q. Where did you get the beer when it was rationed?

A. At the Brewers Warehouse in Mimico.

Q. Did you have special privileges for getting beer?

A. Not exactly special privileges. I mean to say, at the time you used to be allowed a case a month and a lot of them used to have these ration books and people didn't use their coupons, and we used to accumulate some of the coupons and if you dropped them off a case, the people, they would tip you half a dollar or a buck.

Q. You had a case a month, and out of that case a month you made $100 a month in tips?

A. That is right.

Q. Now, you told Mr. Hogg about a conversation you had with Feeley and McDermott. Was anything ever said to you about your testifying at this Commission?

A. No, sir, there wasn't.

MR. SKIME: I have no more questions, my lord.

MR. HOGG: I just wonder if you would like to ask this witness if you have seen Mr. Walton Rose in the past, my lord.

THE WITNESS: I don't even know Mr. Rose.

THE COMMISSIONER: Mr. Wilson?

EXAMINED BY MR. WILSON:

Q. What bank accounts have you had in the last five years?

A. The Bank of Nova Scotia is the only bank account.

Q. What branch?

A. New Toronto branch.

THE COMMISSIONER: Q. Savings or current?

A. Savings.

MR. WILSON: Q. What number?

A. 1086.

Q. Have you any safety deposit boxes anywhere in the last five years?

A. At the Bank of Nova Scotia.

Q. The same branch?

A. Same branch.

Q. That is all for the time being.

A. Thank you.

MR. WILSON: I want to recall Mrs. Costello for one question.

THE COMMISSIONER: Just a moment. Wait a minute.

Q. Where is the Bank of Nova Scotia?

A. New Toronto.

Q. Where in New Toronto?

A. Lake Shore Road. I don't know the number. The corner of 6th Street and Lake Shore.

Q. Is your sister's bank there, too?

A. I couldn't tell you where their bank accounts are.

Q. They have bank accounts?

A. I presume they have, yes.

Q. All right. You may be recalled.

A. Yes, sir.

---Witness withdrew.

HELEN MARY COSTELLO, Recalled

THE COMMISSIONER: You are still under oath.

THE WITNESS: Yes, sir.

MR. WILSON: Q. During this period from May to July of 1958, when your telephone was used, did you have a discussion with a Bell Telephone supervisor about some of the charges?

A. No.

Q. Did a supervisor not call you about some of the charges?

A. No.

Q. I want you to think very carefully about this.

A. No, I am positive.

Q. Because I suggest to you that a supervisor did call you and told you about a conversation she had had with Mr. McDermott, who had explained to her that he had arranged, for business reasons, with the party who had telephone Cr.8-2538, to use that phone for certain long-distance calls. I am suggesting to you that that supervisor at the Bell Telephone told you what Mr. McDermott had told her.

Now, what do you say as to that?

A. On my honour, I don't know anything of it. I know nothing of it.

[illegible]

[illegible]

The Commissioner: Are you still going [illegible]

[illegible]

MR. ELLIOTT: Yes, sir.

Q. [illegible] Q. Having [illegible] from May to July of 1962, were you [illegible] was used, did you have a discussion with a [illegible] "Pinkerton Security" [illegible] company

A. No.

Q. Did a representative [illegible] you about some of [illegible]

A. No.

Q. I want you to [illegible] [illegible] this July.

A. No, I am positive.

Q. Because I suggest to you that [illegible] representative did call you and talk [illegible] [illegible] and that you went to [illegible] [illegible] for business reasons, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] to you about [illegible] [illegible] [illegible] Telephone call you [illegible] [illegible] [illegible] [illegible] [illegible]

Now, when do you [illegible] [illegible]

A. [illegible] my [illegible], I [illegible] [illegible] [illegible] of it. I [illegible] [illegible] of it.

Q. Do you deny that this supervisor called you and made that statement to you?

A. I do.

Q. Now, I want you to think very carefully.

A. I am sorry.

Q. Because I am going to call this person.

A. I am. I have no idea. I heard nothing of it until just now.

Q. Also, I suggest to you that you told this supervisor that you knew McDermott. Now, did you or did you not know McDermott?

A. Absolutely not. And I never told the supervisor that, neither, because I never spoke to her.

Q. And you deny that you told the supervisor that McDermott was trying to evade the Ontario Provincial Policebecause he was a gambler?

A. I certainly do.

THE COMMISSIONER: Q. Is there anybody else who lives at your house where this telephone was?

A. No, your lordship.

Q. You live there alone?

A. Yes, sir.

Q. And it is an apartment?

A. Yes.

Q. Nobody occupies that except you?

Q. Do you long back into experience

[illegible] [illegible] [illegible] [illegible] be good

A. I am.

Q. Then, I want you to [illegible] very

[illegible]

A. I am [illegible].

Q. Someone I am going to call [illegible]

[illegible].

A. I am. I have to [illegible]. I [illegible]

[illegible], of [illegible] [illegible] [illegible].

Q. Then, I suppose [illegible] [illegible] [illegible]

[illegible] with [illegible] [illegible] [illegible] [illegible]

[illegible], [illegible] you or did you [illegible] [illegible]

A. [illegible] [illegible]. [illegible] I [illegible]

[illegible] [illegible] [illegible], [illegible] [illegible]

[illegible] [illegible] [illegible].

Q. [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

a [illegible] [illegible]

A. [illegible] [illegible]

[illegible] [illegible]: Q. [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible]

A. [illegible], [illegible] [illegible].

Q. [illegible] [illegible] [illegible]

A. [illegible], [illegible].

Q. [illegible] [illegible] [illegible] [illegible] [illegible]

A. [illegible]

Q. [illegible] [illegible] [illegible] [illegible] [illegible]

A. No.

MR. WILSON: Q. During this period, if the supervisor called Crescent 2538 -- Crescent 8-2538, who would there be to answer the phone, except yourself?

A. There would be no one.

Q. Did any other person have access to your apartment during that period from May through to July, 1958?

A. No, sir, except the caretaker. I suppose he would have a key.

Q. And you were the only woman who would be occupying that apartment?

A. Yes, sir.

Q. Where that number was located during that period?

A. Yes, sir.

Q. And you are swearing under oath that you never had any such discussion with any person calling from the Bell Telephone Company?

A. Absolutely not.

MR. WILSON: All right. That is all for the present time.

EXAMINED BY MR. HOGG:

Q. Were you in or out of the room when I was cross-examining Lafrade?

A. I was out of the room, sir.

Q. Now, Lafrade has told us that Feeley telephoned him and ordered him to meet them at a restaurant. He met McDermott and Feeley at a restaurant. Lafrade has also testified in that witness box, under oath, that he talked to you after the subpoenas were issued to him.

A. Mr. Lafrade has spoken to me?

Q. No, I am just saying what Mr. Lafrade has said in the witness box while you were out of the room.

A. I don't quite understand what you are saying. I am sorry.

Q. We will go over it again. Lafrade has told us, under oath, that Feeley telephoned him and ordered to meet him in a restaurant out in New Toronto, and he went to the restaurant and McDermott and Feeley were there and they asked him, amongst other things, whether he had been subpoenaed to this Royal Commission.

That is one thing Lafrade has told us. Lafrade has also told us, under oath, while you were out of the room, amongst other thing he has told us that he spoke to you after he received a subpoena to come here.

EXAMINATION BY MR. [illegible]:

Q. Have you in mind at this time

that I had [illegible] [illegible]?

A. I have read of the [illegible].

Q. Did [illegible] that [illegible]

Bailey delivered his first speech in [illegible] to that

[illegible] at a [illegible]. He had [illegible] and

Bailey as a [illegible]. Lincoln has also

[illegible] in that [illegible] [illegible], that

he talked to you after the [illegible] [illegible]

in [illegible].

A. Yes, [illegible] [illegible] [illegible].

Q. No, I am just [illegible] [illegible] Yes.

Lincoln has said in the [illegible] [illegible] [illegible]

more one of the [illegible].

A. I don't quite understand [illegible]

[illegible] [illegible]. I am [illegible].

Q. He will go over to [illegible]. [illegible]

[illegible] [illegible], [illegible] [illegible]. [illegible] Bailey [illegible]

[illegible] [illegible] [illegible] to [illegible] [illegible] as a [illegible]

[illegible] to [illegible] [illegible], and he [illegible] [illegible] [illegible]

and [illegible] and [illegible] [illegible] [illegible] [illegible] and [illegible]

[illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] been [illegible] to [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]. [illegible] [illegible] [illegible] [illegible] [illegible], [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

THE COMMISSIONER: Q. Now, did he?

A. Yes.

Q. When and where?

A. Last night on the telephone.

MR. HOGG: Q. Now, did he tell you that he had spoken to McDermott and Feeley? Think carefully because Lafrade has been in that witness box.

THE COMMISSIONER: All right, now, you put the question to her.

THE WITNESS: I don't believe he did.

MR. HOGG: Q. What did he say to you?

A. I told him that I had been called by the Commission to appear this morning at ten o'clock and, of course, I knew that he was going to be subpoenaed, too, because the other morning, when I was in the room with Mr. Wilson -- I believe it is Mr. Wilson -- he sent a subpoena to him, and I said, "Well, I am going tomorrow morning, too, at ten o'clock." And he didn't mention McDermott and Feeley to me.

Q. Are you positive about that?

A. I am positive, sir.

Q. Have you talked to him at any other time, Lafrade, about this Commission?

A. Naturally, yes.

Q. What has been said?

A. Not too much about anything, except I was concerned that I didn't know McDermott

and Shelby and I was a little man-at-arms

during Ed-Man [illegible]. Below [illegible]

I thinks.

Q. Did in accord, of your [illegible]

you really go all [illegible]?

A. I suppose if I had to, I would —

and be [illegible].

Q. [illegible].

A. [illegible].

[illegible], so you were [illegible]

any questions?

Examiner Ed Mc. [illegible]

Q. You say you were talking [illegible]

going to be called [illegible] the [illegible]?

A. Yes, I did.

Q. Did you speak to Tom [illegible] Ed?

A. Did I call him to [illegible]

Is Ed [illegible]?

A. [illegible].

A. [illegible].

Q. Then did you call him back?

A. I had [illegible] [illegible]

A. [illegible] [illegible] [illegible]

with him even about being called to the [illegible]?

A. I had [illegible] [illegible]?

Q. And you [illegible] [illegible] [illegible].

him then about his being called to the Commission?

A. No. I just said, "I imagine you are going to be subpoenaed because that is what I heard in the office".

MR. SHINE: Thank you.

MR. WILSON: That is all. I think you better stay around. We may have more later on.

THE WITNESS: All right.

---Witness withdrew.

MR. WILSON: I will call Chief Constable Shrubb.

WILLIAM JACK SHRUBB, Recalled

THE COMMISSIONER: You are still under oath.

THE WITNESS: Yes, my lord.

EXAMINED BY MR. WILSON:

Q. Now, when you were in the witness box earlier, there was some mention made of the prosecution of the Tisdale Club in Peterborough?

A. Yes, sir.

Q. And I think one of my friends read to you from Exhibit 124-A, a report you had made dated April 11th, 1961, which covered a number of matters and, particularly, referred to a reference under date of October 10th, 1956.

THE COMMISSIONER: Let me see that exhibit, please, 124-A.

MR. WILSON: October 10th, 1956, a reference made of the Tisdale Club of certain alleged irregularities.

MR. HOGG: Mr. Wilson, will you give me the page number of that?

MR. WILSON: 124-A, item 15. I haven't got a copy.

THE COMMISSIONER: Have you a copy there now?

MR. WILSON: I have now, Mr. Commissioner.

THE COMMISSIONER: It is October 11th, 1956 -- oh, I see.

MR. WILSON: October 10th,1956, was the one I was referring to. Item 18 on page 10.

Q. Now, we have heard some of the story of the Tisdale Club and I want to try to be as brief as possible in developing the facts, until we get to the issue that I think you raised in connection with this prosecution.

There was a charge against four persons, wasn't it? Ronald Horton, Neil Harrington, Richard O'Brien and Kenneth Fleetwood?

A. That was the second prosecution.

Q. Was that not the first, as well?

A. There were perhaps three or four more persons included in the first prosecution, and then after the appeal, the direction was to only lay charges as against the four principal keepers.

Q. Maybe we can get at it this way. What was the date of the raid that resulted in the prosecution?

THE COMMISSIONER: That is the first prosecution?

MR. WILSON: The first prosecution.

(Page 4810 follows)

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A. I would say it was in the early morning of Saturday, November 5th, 1955.

MR. WILSON: Q. Well then, that matter came on before Magistrate Phelp, was it?

A. That is right sir, and he registered a conviction against the four persons I have named, plus three or four others.

Q. Well, the charges were dismissed, I believe, against the other three?

A. Against the other three, yes.

Q. And what was the penalty that he imposed?

A. Horton and Harrington received four months jailk terms, and Fleetwood and O'Brien were fined, I believe it was two hundred dollars and costs.

Q. Then there was the sum of $1400 that had been seized at the time of the raid?

A. Yes sir.

Q. And Magistrate Phelp, as I recall, did not dispose of that?

A. Not at that time, that is right.

Q. At the time, because an appeal was taken on behalf of the accused?

A. Well, he had, as I recall it, he had his own opinion as to when was the proper time to present a forfeiture or

confiscation.

THE COMMISSIONER: He didn't know anything about it?

A. No, he didn't. Then the appeal was filed before anything was taken.

MR. WILSON: Q. And the Court of Appeal quashed the conviction?

A. That is right, sir.

Q. And following that, there was a further trial?

A. That is right.

Q. And am I right in saying, that by reason of the fact that Phelp had - the local magistrate had presided at the first trial, and Magistrate Bartram was assigned to the case?

A. That is right sir.

Q. And then there were adjournments from time to time?

A. Yes sir.

Q. And finally he took under advisement the question as to whether he would adjudicate upon the matter merely by reading the transcript of the first trial.

THE COMMISSIONER: He read it in any event.

A. Yes, that's right.

MR. WILSON: Q. And thendid he not come to the decision or make the decision that he, after reading the transcript, that he

would hear the witnesses before he rendered his decision?

A. That is right.

Q. And at that point there was a question as to his right to hear the case, or that Mr. Bradshaw, the Crown Attorney, raised the question as to whether he disqualified himself by reading of or having read the previous evidence, and then deciding to go ahead and hear evidence?

A. No, I don't believe that to be a fact sir. The Crown attorney did not raise any objection at that time at all. It was after we had returned to Toronto, and sometime afterwards, and we had talked this matter over amongst ourselves, and we in our own office, felt that Magistrate Bartram having perused the transcript of the evidence, and then ask to call to hear the witnesses, that he was in the same position as what Magistrate Phelp had been with respect to hearing the second set of charges. As I recall it, then Sergeant Anderson either wrote the memorandum, or brought this to the attention of, either directly to the officials of the Attorney General's Department, or through our own senior Administrative officers, and it was then that we went back, and Magistrate Hopkins was detailed to hear the case.

THE COMMISSIONER: Does it make much difference who raised the question? It was finally raised in any event.

MR. WILSON: I don't think it matters too much. I recall reading one of these reports in which the witness stated that the Crown Attorney had raised the point. However,---

MR. WILSON: Q. In any event, then Magistrate Hopkins from Hamilton was assigned to the case?

A. Yes, that it right, sir.

Q. And the case came on for hearing finally, and disposition on what date? I think it was January 6th, 1957, for your assistance?

A. Yes, that is right, January 6th, 1957, was the disposition against the keepers.

Q. And before I leave that last point, on looking at your report of November 29th, 1956 on this matter, I read from the second paragraph, in part:

"The Crown Attorney stated that
"it was felt Magistrate Bartram
"had disqualified himself from
"dealing further with this case
"as a result of this procedure.
"Magistrate Hopkins therefore had
"been assigned to hear the case."

It seems to confirm my recollection of

what you did at that time.

A. I was thinking that you meant that this was raised at the time in the Courtroom. I have no recollection of that. I knew we discussed it.

Q. It is not too important.

A. Yes.

Q. What took place on January 5th, 1957, what disposition was made of the case?

A. A fine of $300 and costs was imposed against Neil Herrington. A fine of $500 and costs was imposed against Ronald Horton.

THE COMMISSIONER: Just a minute, now.

A. Ronald Horton.

THE COMMISSIONER: Yes.

A. Fleetwood and O'Brien were fined $200 and costs each.

MR. WILSON: This is as a result of their plea of guilty?

A. That is right, sir.

Q. And what disposition was made of the money that had been confiscated?

A. It was the money that had been seized, it was ordered forfeited, sir.

Q. And how much?

A. It lists $1423.

Q. And you think - - you have

suggested that there was some irregularities in regard to the proceedings?

A. I haven't suggested this sir. I merely have stated what my observations were.

Q. Well, what were your observations?

A. Well, I believe as far as this proceeding was concerned, we only felt that this should not have reached the point where it should have went on before Magistrate Bartram, once the procedure had been carried out - - that is what we have mentioned.

Q. When you say "we", you mean yourself and your fellow officers?

A. That's right, yes.

Q. You felt it should not go on before - - -

A. Once it reached the point where the Magistrate was going to adjudicate, and acquainted himself with the evidence from the transcript, that then that should not be pursued by he.

Q. In other words, you felt that Magistrate Bartram should not proceed to try the case?

A. That is right.

Q. And apparently from your report of November 29th, that is exactly the position taken by the Crown Attorney at that time?

A. Yes,it was.

THE COMMISSIONER: That was your only criticism? I don't see the criticism, because he didn't proceed to try it? - Hopkins did.

A. Yes. I think that I, for one, was of the opinion that this was going to take its course, unless it was our intervention into it, that caused the court to be changed.

THE COMMISSIONER: What I don't quite get the importance of is, you were of the opinion that Bartram, having read the transcript of the earlier evidence, shouldn't proceed to try the second time?

A. That is right, sir.

THE COMMISSIONER: And the Crown Attorney was of that opinion?

A. Yes.

THE COMMISSIONER: And Bartram didn't try it. Magistrate Hopkins did?

A. Yes.

THE COMMISSIONER: Well, that coincided with the views everybody apparently had?

A. Yes. Then I believe I would have to say, I was considering the fact that Feeley was calling me, or had called me and told me, although this wouldn't all be borne out to be true, he said, "You know what's

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going to happen there, there's going to be a guilty plea, and there will be a fine," and he said"there would be no confiscation now," and that part was contrary to what actually did take place. And there was stromuous objection on behalf of the accused persons, and the counsel for the accused, to have this remain before Magistrate Bartram, and I for one wondered why all this was taking place.

THE COMMISSIONER: We have heard all this before.

MR. WILSON: I am going to boil it down. That's all I have.

THE COMMISSIONER: There is nothing new brought out here this morning, is there?

MR.WILSON: Well, except the view of this witness that Magistrate Bartram should have -- should not proceed with the case.

THE COMMISSIONER: Well, he didn't proceed with it.

MR. WILSON: There was one other point. I think he also had some reservations about the penalty.

A. Well, I would say I had, at that time, I had a conversation with the Crown Attorney Bradshaw at that time, and we had - Feeley had called me and told me that - - he said, "You know what's going to happen there, there is going to be a guilty

plea," - -

THE COMMISSIONER: All right, stop there. Those who knew there was to be a guilty plea would be the accused and their counsel?

A. Yes.

THE COMMISSIONER: If it had been decided by this time?

A. Yes.

THE COMMISSIONER: And I don't know where Feeley got the information, but its a reasonable assumption that it trickled through to him, either from the accused or from their counsel.

A. It would be reasonable.

THE COMMISSIONER: That is a reasonable assumption.

A. Yes.

Q. All right, there is nothing mysterious about that?

A. No. I went down to Peterborough then - - -

THE COMMISSIONER: Wait a moment. I just want to finish. The discussion you had with Feeley, Feeley said that there would be no confiscation?

A. That's right.

Q. What's wrong in that?

A. He said the charter would be cancelled, but they would get another.

THE COMMISSIONER: Is there anything left unsolved in this? There is no mystery about it, as I see it, at the moment.

A. Some of the other matters which concerned me, when I - after I had talked to Feeley, I went down to Peterborough, and we thought we had a very good chance of excluding one of the found-ins, under Section 174. This was before I knew anything about any guilty plea, and I believe before the Crown Attorney knew anything about any guilty plea, but I could stand to be corrected. The reason for saying that is this, I asked the - - when I first went in, I said, "I hear there are some feelers for the plea on this case".

THE COMMISSIONER: What?

A. Some feelers for a plea for a guilty plea, and the Crown Attorney said, "Yes," he said he had heard something of this nature, and I then asked about dealing with this witness under Section 174, that is for bringing him in and examining him, and as I recall it, whether it was then, or just when, I am not sure, the Crown Attorney placed a call to the Attorney General's office. Now he spoke to, I don't know, and again I must use the broad term, and it was asked about this procedure and he was told, he was asked if an application had yet been

asked, or an application had yet been made for prohibition that had been suggested by Counsel for the defence in the previous proceedings.

THE COMMISSIONER: To prohibit Bartrem from - - -

A.To prohibit Hopkins, Magistrate Hopkins from hearing the case. And Mr. Bradshaw told me Mr. Common advised him he had been talking to Mr.S.Sebirtig, one of the counsel for the defence, with respect to a suggested application for prohibition, against Magistrate Hopkins and Mr. Common advised Mr. Bradshaw - - - -

THE COMMISSIONER: Mr. Hopkins?

A. Mr. Common had advised Mr. Bradshaw he had talked Sebirtig out of applying for prohibition, as it was not good politics. He also advised Mr. Bradshaw that - - - I am now reading from the memorandum I prepared shortly thereafter,

"He also advised Mr. Bradshaw
"that he did not want to interfere
"in the Crown's case, with
"respect to penalty, but
"suggested that if a reasonable
"fine could be sought, as penalty,
"the four accused persons would no
"doubt be willing to enter a plea
"of 'guilty', providing further

"that no confiscation would be
"requested of the seized money.
"It was at this time that Mr. Bradshaw
"stated that it had been the
"suggestion of Mr. Cannon, in the
"instance mentioned in the
"preceding paragraph, to possibly
"suggest a fine in lieu of a
"jail term, to possibly bring about
"a 'guilty' plea.
"Mr. Bradshaw asked what this branch
"would think of a suggestion of this
"nature and I advised him that we
"certainly would not object to
"anything whichwould be satisfactory
"to him, but since he had asked, we
"would not be pleased with the
"suggestion. There had been
"mention of a possible $500 fine
"each, for the four accused, and no
"confiscation. I suggested the
"accused persons, as well as the
"persons in the background who are
"responsible for the operation of this
"club, would treat a fine of that
"amount, as a joke, and would make
"a mockery of the whole proceedings.
"(Thus proving theinformation passed
"on by V.Pesley, was in part, the
"truth). Mr. Bradshaw stated he

"would leave the whole matter of
"penalty to Magistrate Hopkins and
"would not be a party to any
"'arrangements'."

THE WITNESS: And I close this off by saying,

"Mr. Bradshaw asked that the
"information he had passed on,
"with respect to his conversation,
"be treated as confidential, and
"he stated he would not wish the
"information passed on. Thus I
"feel it advisable to have this
"memorandum retained for your
"information only."

One further remark of Mr. Bradshaw's was,

"What's going on in Toronto anyway".

Now, that is the memorandum that I wrote.

THE COMMISSIONER: Right. We have had all that, when you were here before in the witness box.

A. I don't recall - - -

MR. WILSON: Not that part.

THE COMMISSIONER: Not that part?

MR. WILSON: No, I don't recall having made reference to this, my lord.

THE WITNESS: And if Imay add here, about a year ago, or thereabouts, when I knew that probably this matter was going to come out, whereby the Crown Attorney Bradshaw asked

that this remain in confiscation, and the fact that I had submitted memorandum tomy superior, I spoke to him one day, and he said, well, he said, the party I talked to, I am not - I cannot be sure of, and I would only be able to say it was Mr. Common because I knew at that time that he was the direct - - was the director of the Public Prosecutions.

Q. What is the dateof the report you are reading from?

A. A memorandum of January 17th, '57.

MR. WILSON: Q. And that was not passed on to your superior officer?

A. It was passed to Sergeant Anderson.

Q. But not beyond Sergeant Anderson?

A. Not to my knowledge.

Q. That is another of these reports that were kept pursuant to an arrangement between Sergeant Anderson and yourself?

A. Quite possible that was, I don't know. I submitted to him, and whether or not he forwarded it on, I do not know sir.

Q. Is that all you have to say about that incident?

A. Yes, I believe it is, sir.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Mr. Hogg?

EXAMINED BY MR. HOGG:

Q. You have told us, Chief, that you prepared this report in written form shortly after the events therein described took place?

A. Well, I attended at Peterborough January 14th, '57, and prepared the memorandum on January 17th, '57.

Q. This would be clear in your mind at that time?

A. I feel that it would be, sir.

MR. HOGG: I wonder if we could have that report entered as an Exhibit.

THE COMMISSIONER: The witness has read it into the evidence, but if it is the report you want - - -

MR. HOGG: If I may.

---EXHIBIT NO.149: Report dated January 17th, 1957, from Corporal Shrubb to Sergeant Anderson.

MR. HOGG: Now, I suggest, Mr. Shrubb, that as far as you were concerned, it was a fact that Peeley had not only advanced notice of a plea of guilty - - -

THE COMMISSIONER: What is the date of that report?

MR. HOGG: January 17th, 1957, and the report is directed to Sergeant Anderson Anti-Gambling Branch, Toronto. It is re the names of the accused, and the Tisdale Club, Peterborough.

Q. It is not only a fact that a plea of guilty was known to Feeley, and one wouldn't expect much significance there, other than the fact that he knew what the outcome or said he knew what the outcome of the trial would be, or the plea of guilty so far as the penalty was concerned?

A. Well, he said there would be a - - -

Q. Fine?

A. A fine.

Q. Not a jail term?

A. Not a jail term.

Q. I suggest to you that this surprised you, in view of the fact that on the first trial, these people were sent to jail for four months?

A. That's right.

Q. And the only reason, or the reason that the Court of Appeal quashed the conviction was because there were separate informations, or something of that sort, which was some technicality?

A. Somethingof that nature, yes.

Q. It didn't go on the evidence that was presented?

A. Well, I am not that familiar withthe proceedings of the Court of Appeal. I understand it was something faulty in the procedure, whereby separate charges had been laid and dealt with by one trial in preference to four trials.

THE COMMISSIONER: I suppose the point was there were separate informations and only one trial?

A. That's what I understand, yes. I'm sure that the Crown Attorney did not yet know there was going to be a guilty plea when I went to go there, because I didn't tell him how I knew, or I suggested that I had heard there would be a guilty plea. When we went on to discuss this, using Section 174 at that time - - -

MR. HOGG: Q. And Mr. Bradshaw, the Crown Attorney , toldyou that he had phoned the Attorney General's Department, and that the Attorney General's Department suggested to him, that under the circumstances a fine would be in order?

A. That is what he told me.

Q. Well now, in order - because the accused had gone to the cost of a trial, and an appeal, and additional proceedings - -

A. Yes.

THE COMMISSIONER: That was a circumstance to be taken into consideration in determining the ultimate penalty?

A. I suppose it could be.

MR. HOGG: Q. The fact that they had to take the case to the Court of Appeal?

A. Yes.

Q. And you andyour officers regarded a fine under the circumstances as a, to use the phrase you used here, "as a joke" because they would make this much money in a portion of a day, out of their illegal operations?

A. Well, we were satisfied, in our own minds, that the operation was in some wayconnected with the club at Cooksville, and the other clubs in the Province, and we didn't feel that any fine was sufficient to deter anything of this nature. As far as I'm concerned, it has beenproven previously.

Q. I suggest to you that Mr. Bradshaw's reaction to the attitude of the Attorney General's Department was one of amazement?

A. Well, he said to me, he said, "What's going on in Toronto anyway."

Q. "What's going on in Toronto anyway."?

A. Yes.

Q. I take it you could not

supply him with a satisfactory answer?

A. I didn't say anything.

Q. Now turning to another matter entirely. You know the last witness in this case, Lafrade?

A. Well, I don't know him . I wouldn't say I haven't seen him out at the club out here, but I did see him one other time which I am aware of.

Q. Your diary for the 21st day of November, 1958 - - - -

THE COMMISSIONER: Exhibit 18.

MR. HOGG: Yes, my lord.

THE COMMISSIONER: The entry on which date?

MR. HOGG: November 21st.

Q. Would you read it. That's your writing on the entry?

A. Yes, I will sir.

"10:00 a.m. to 2:00 p.m.,
"office duty. 2:00 p.m. to 8:00 p.m.
"Napolilano, Moore, Vertoli, Lawrence
"and self executed a warrant at
"Superior Cleaners, 791 Lakeshore
"Road, Lakeview. Forced entry.
"Hubert Chapell, Weston, present,
"and present, and damaged phones
"present. Three services, two
"I.B's, and one P.O. Considerable
"interference had been done on

"phones. No betting evidence.

"Nothing in premises."

MR. HOGG: What's an I.B.?

A. Two individual business services, and one P.O. which was a pay phone. Considerable interfering had been done on the phones.

"No betting evidence. Nothing

"xxx in premises. Feeley called

"previous and tried to disguise the

"voice, then spoke naturally.

"Call to one phone, the /S

"from Jordan Bridge and Chess Club,

"104 Adelaide Street West. Jack

"Lafradi near premises to observe."

Q. Now of course, Feeley -- it is Vincent Feeley?

A. Yes sir.

Q. Can you recall what he said when he called?

A. No, the one telephone had been rendered unserviable.

Q. Coming to that in a minute. First of all, can you recall what Feeley said or - - -

A. No, I can't. He talked to one of the other officers for quite a period of time on the telephone, and then xx I took the phone. I wondered - I don't know what caused me - but at anyxxxx rate I took the

phone up and I talked to the party, and the party I was talking tovas talking foolishly, and I detected Feeley's voice and after I had approached that to him, I would say more than once that he wasn't fooling anybody, and that it was Feeley, and then he did speak to me in his normal voice, and what was said, I don't know. I recall that I made no note of what was said, but I did know it was Feeley.

Q. Now the call to one phone, unserviceable, from the Jordan Bridge and Chess Club, Adelaide Street - - -

A. Yes sir.

Q. That's the club we heard about yesterday?

A. Yes sir.

Q. Would you explain the significance to the Commissioner, of having an unserviceable phone?

A. Well, it would prevent any incoming calls in on that phone, on the installation of the premises that we are at, this is a common practice, and I would say, being away from bookmaking for a while, but I believe it still to be a common practice, that if a raid is made and the police are present on the premises, and it becomes known to the person who calls, or persons connected with the operation, they will place a call

to the phone in the establishment, from another phone, and then leave the phone that they were calling from disconnected, and this will render the phone on the establishment inoperative. No incoming call can come in, thus prevent any damaging evidence, coming in.

Q. So people who want to place bets can't phone in?

A. No one can.

THE COMMISSIONER: Because the phone service - if the police were there they could pick up the phone and get evidence about bets?

A. Yes.

MR. HOGG: Q. They might pick up a bet?

A. Yes.

Q. This call comes after Feeley's call?

A. Well, one - the one phone was inoperative for a long time, and Feeley was talking on one of the other phones.

Q. Now Lafrada told us that he was justdriving past, what do you say as to that?

A. Well, I didn't see himdriving, but I know that he was present out in front of the premises for quite some time, for quite a long time, and this was noticeable to our officers there, and whether it was prior

to our leaving or at the time that we were leaving, I went up to him and asked him if he would identify himself, and at that time he was standing looking in the show window of a shoe store next door, and I asked him to identify himself, which he did. And I asked him for what purpose he was there, and he said he was interested in buying a pair of shoes. It was too nice a day, as I recall it, to be standing around.

THE COMMISSIONER: Mr. Shime?

MR. SHIME: I have no questions, thank you.

MR. WILSON: I have no further questions.

MR. WILSON: Call Mr. Bradshaw.

THE COMMISSIONER: What time have you got, Mr. Wilson?

MR. WILSON: My time is ten to, but it is generally a little slow.

THE COMMISSIONER: Well perhaps we should adjourn for lunch.

---Whereupon the proceedings adjourned at 12:55 p.m.

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---Upon resuming at 2:25 p.m.

THE COMMISSIONER: Mr. Common, do you want to say something?

MR. COMMON: Yes, Mr. Commissioner. I might say that I was profoundly shocked on picking up a copy of, I take it, the noon edition of the Telegram of today's date, headed up:

"N.D.P. lashes A.G. aides'
"Probe role."

THE COMMISSIONER: A.G.?

MR. COMMON: "A.G. aides probe role." (The heading). The text, partially is as follows:

"New Democratic Party Ontario leader
"Donald MacDonald, charged yesterday
"Attorney General Roberts had
"opposed the Royal Commission on
"Crime ever since it was suggested."

I cannot speak for the Attorney General on that:

"He also accused "

and I emphasize the word "accused"

"members of the Attorney General's
"Department of interfering - - "

And I ask you Mr. Commissioner, to take that verb into consideration -

"with the conduct of the probe.
"Mr. MacDonald said the roles of
"Deputy Attorney General William
"Common and Senior Solicitor

"Frank Wilson at the Probe have
"been quote 'extraordinary, a
"combination of defence and
"prosecution' unquote."

And then he deals with an incident that arose last week, which I think I have satisfied you on, Mr. Commissioner, in dealing with a certain report.

Now, as Mr. Commissioner knows, this Department, my department has not counsel at this probe. We have Mr. Wilson and myself; we have sat here, and have been silent throughout this entire probe, to date. We have attended every session of the Commission, and speaking for Mr. Wilson and myself, I have yet to know of any evidence of interference with the conduct of the probe; and his statement of the extraordinary combination of the defence and prosecution, I, at least consider a personal reflection upon myself, as affecting my ethical position before you sir. As you know sir, we have said nothing; whatever questions we thought should be put before you, we have put through Commission counsel. And it comes, I might say sir, if I might be permitted to make this observation, as passing strange for Mr. MacDonald, who to my knowledge, has appeared here twice - he may have appeared here more than that, but he certainly has not been present at the

day to day sittings of this Commission, that he should make a statement like this. I feel it is a personal reflection upon my ethical position here, of being accused as a combination of defence and prosecution. And I would ask my friend Mr.Scott who is sitting here with Mr. Drewin, in Mr. Drewin's absence, whether he concurs in his leader's statement.

MR. SCOTT: Mr. Common, I have not seen the statement.

MR. COMMON: Here it is; here is the statement. (Indicating)

MR. SCOTT: That is the press report of the statement, Mr. Common, and as we have all found out in this probe, press reports and actual statements do not always agree. However, I will be glad to get the statement and read the actual statement itself, and then comment upon it, Mr. Common. But I must say I really do not know Mr. Common's position before this Commission. It has not been clarified to me, or I do not think any of the other opposition counsel sitting here; but I do not t_hink there is much we can say about the statement at this time, not having seen it or read it, other than what appears here, at this time.

THE COMMISSIONER: Let me see it. (Handed to the Commissioner who appears to

read it)

I do not know what Mr. MacDonald may have had in mind, when, if this newspaper report of what he said is correct, he quotes "accused members of the Attorney "General's Department of interfering "with the conduct of the Probe." There has not been any interference with my conduct of this probe.

Neither do I understand what Mr. MacDonald had in mind, when, if he is correctly reported, he said that the role s of Mr.Common, Deputy Attorney General and Mr.Frank Wilson, as the Senior Solicitor at the Probe, has been, quote "extraordinary, a combination of defence and prosecution".

Mr. Common, I do not know what that means at all.

With respect to the report made by the Ontario Provincial Police, with respect to the private life of Chief Shrubb and his wife, that is a reference to the matter that was raised several days ago, and so far as I am concerned, was adequately explained; explained to my satisfaction, and leaving no aspersion upon Mr. Common, or Mr. Wilson the senior solicitor, who has been in attendance here. I had thought that that matter had been satisfactorily dealt with,

and everyone was satisfied as to what led up to the giving to Mr. Rose of the copy of that report. And I said then, and I can only repeat now, that there was nothing in it to justify its being introduced into evidence.

I have a job to do here, that poses, from time to time, problems that are difficult; and I would be pleased if I were left to do the job to the best of my ability, without any slanted references by those whose field is in the political arena, to supposed obstacles being put in my way. There has been none to date, and I would expect there would be none in the future.

If they will just leave me to do this job, and not make this difficult or more difficult for me by public utterances, such as the one referred to by Mr. Common, I would at least not be embarrassed by them.

I am fully conscious of the fact that at an inquiry such as this there are bound to be, from time to time, some political overtones. I am not concerned with them to the slightest extent. It does not help me when there are public utterances such as this, and I would ask those whose endeavours are in the political arena, to henceforth please refrain from making this probe a sort of political football.

Certainly I do not regard it as such. It is a serious inquiry that I have to make. It does not help me a bit. Indeed it embarrasses me when matters such as this from time to time occur.

Perhaps having said that much, that will be an indication to those who might from time to time have the urge to break into print for political advantage or otherwise, to desist from so doing, from now on.

Next witness.

JOHN ALBERT BRADSHAW, sworn:

EXAMINED BY MR. NELSON:

Q. You are the Crown Attorney at Peterborough, Ontario?

A. I am.

Q. And in the course of your duties, did you have charge of the prosecution of Morton Harrington - - - -

A. And Fleetwood and O'Brien?

Q. Yes.

A. Yes.

Q. In Court this morning, you heard the evidence of Chief Constable Shrubb?

A. I did.

Q. It will not be necessary to go over that, to go over those facts in regard to the first trial, the appeal, but rather restrict ourselves to what happened after that time.

Now, as far as you were concerned, what brought about the change of magistrates? That is, the introduction of Magistrate Bartram as the presiding magistrate in this matter?

A. Because his Worship Magistrate Phelp having heard the first trial, which the Court of Appeal declared a nullity, he did not wish to proceed at the second.

Q. And then we have heard that Magistrate Bartrem read over the transcript, and then decided to call the witnesses, or have the witnesses called?

A. That is correct.

Q. What position did you take in regard to that proposal?

A. I opposed Magistrate Bartrem proceeding, after receiving advice from the then Deputy AttorneyGeneral, Mr. Clifford Magone; I have his letter here, dated November the 26th, 1956, in which he says, directed to me re Horton Harrington Fleetwood and O'Brien:

"Arrangements have been made
"to have Magistrate Hopkins of
"Hamilton take this trial on the
"28th of November. The report
"I have indicates that you and
"the defence counsel agreed that
"the evidence taken at the other
"trial would be used without hearing
"witnesses. I think this would be
"most improper, and that the
"Court of Appeal would have sent
"it back for a new trial."

And then there is the last paragraph, which I do not think, subject to your lordship's ruling, need be read. It has nothing to do with this. (Indicating to Commissioner)

THE COMMISSIONER: I do not think so.

MR. WILSON: Q. And then, on the date fixed for the trial before Magistrate Hopkins, I believe there was a further enlargement?

A. Yes. Mr. Humphrey and Mr. Gebirtig, the two defence counsel objected strenuously, claiming that Magistrate Bartram was seized of the case, and there was some talk on their part about bringing a motion for prohibition.

Q. They never did in fact bring a motion for prohibition?

A. No, they did not. As a matter of fact, if your lordship will permit me, I have a copy of a letter I wrote Mr. Magone; apparently my file shows I was corresponding with Mr. Magone, and not with Mr. Common - I have that dated November the 28th, 1956. This is my copy of the original, re Regina versus Harrington and Horton:

"Further to our conversation
"of ~~xxxx~~ even date the within charge
"was remanded to Wednesday,
"January the 16th, after his
"Worship Magistrate Hopkins had
"ruled against a defence motion that
"he had no jurisdiction on the matter,

"alleging that Magistrate Bartram
"having received evidence by
"consent, namely the transcript
"and exhibits on a former case,
"was still seized of the matter.
"Defence counsel then asked to
"withdraw from the case and the
"accused asked for time to obtain
"counsel. I enclose transcript
"of that transpired before Magistrate
"Bartram on October the 10th,
"along with a copy of Magistrate
"Bartram's letter to me of October
"the 24th; and I will forward a
"transcript of today's proceedings
"by the first ofthe week when it
"is ready."

Q. When the case came on for trial on January the 16th, 1957, the accused through their counsel pleaded guilty?

A. A new counsel appeared; Mr. Arthur Maloney Q.C., a surprise to all of us. His clients pleaded guilty, and then came the question of sentence; and Magistrate Hopkins, in giving sentence, - it has been my practice, and I feel it is proper Crown Attorney practice, to put before the Bench all the relevant facts. And this is true in relation to the sentence as well as to the trial itself. One of

the facts in this case was the previous conviction and sentence to jail terms; a fact which was in their favour, was the point of an abortive trial and an appeal; and despite that I was pressing the jail term; and when Magistrate Hopkins said that it was his practice, in his Court, to give a jail term, if it were bookmaking, or loaded dice, but as this was only a house game, crap, it did not involve bookmaking, or as if that was crooked dice; he felt a fine was sufficient in a dice game and the order of confiscation which I have with me, of $1,430-odd dollars.

Q. Did you have any discussions with Magistrate Hopkins about the sentence that was to be imposed?

A. Not that I recall.

Q. And had you had any discussions in regard to the matter of penalty with anybody in the Attorney General's Department?

A. I have no recollection of any specific telephone conversation with Mr. Common or anybody else. Which bears the implications or inferences that Chief Shrubb apparently took from them. Undoubtedly there were telephone conversations with the Attorney General's Department, and I was the one who probably initiated them.

The defence certainly were pressing as hard as they could, and not without some justification, my lord, this business of the costs of the first trial.

I have here the original four informations, and it shows that they appeared five times before Magistrate Phelp ; That evidence was taken on three occasions. Sentence was reserved, and of course, the first time - the cost of bringing lawyers from Toronto; and Mr. Humphrey and Mr. Gebirtig appeared. Theymight not have appeared on the first occasion, but they certainly appeared on four different occasions - that was considerable. And then there was the cost of the appeal, ; and later, at least two appearances before Magistrate Bartram. So that there was some merit in the defence pressing their claim to some lesser penalty, if they were guilty on the count. And thatmay have been,,although I have no memory of any such phone calls as Chief Shrubb set forth.

On the other hand I have felt Chief Shrubb to be an absolutely honest man, in my dealings with him since he has come to Peterborough, and he undoubtedly, in regarding this, as he has recountedthis morning, honestly believed that I had said

something which he interpreted in the way he did. But I have no memory of any conversation which would bear any such interpretation.

Q. Did you not discuss with any counsel forthe accused prior to the plea of guilty, any question as to what the penalty might be, or what position you might take as to the penalty?

A. That I do not recall, but probably I did. In every case the defence were asking: "Well, will you recommend a suspended sentence if we plead guilty?" It is axiomatic.

Q. In other words, everything had been under discussion; there was, or there would not have been anything unusual about it?

A. No, no; and my standard answer - and I believe Mr. Humphrey also swore this before this Commission - was, that the answer on this occasion was that: "It was up to the Magistrate."

Q. While you are here, there is one other matter I briefly want to touch on.

There is a man whom I know as Gyp Feeley; maybe it is Geoffrey.

A. Geoffrey Feeley.

Q. Otherwise known as Gyp Feeley?

A. I understand he is no relation to Vincent Feeley.

Q. Now, he was convicted in 1955, or late in 1954 of an offence under the Liquor Control Act?

A. Yes.

Q. And was sentenced to two months imprisonment for that act?

A. Yes.

Q. And then there were certain steps taken on his behalf, or by him, to try to obtain a remission of the sentence?

A. That one I would not know about.

Q. You do not know about that?

A. Until I received a letter fromthe Attorney General's Department, asking for a report on executive clemency; it is standard practice. They write the convicting Magistrate or Judge, and the Crown, for a report.

I must say that my reply was - I did not bring the copy of my reply with me, but I can produce it. The original will be in the Attorney General's Department file - but it was worded as strongly as I could word it against any executive clemency, and I believe Magistrate Phelp sent a letter

to the same effect.

Q. Am I right in saying that the basis for the application for clemency was on the score that he had been of some assistance to the police in regard to giving of information?

A. I have no knowledge of that.

Q. You have no knowledge of the basis upon which the application proceeded?

A. No.

Q. Quite simply, in case that it was requested, you made your position clear?

A. That is right; I must say, merely, it is a clear memory of that - I mean, where the Attorney General's Department over-rode the Magistrate and myself. I have a clear memory of that in my mind, which was two or three years before this occasion; but having no clear memory of what Chief Shrubb has stated, makes me all the more convinced in my own mind, that no such conversation bearing the implications Chief Shrubb said ever took place. Had it done, I would have remembered it.

Q. Did you have anything to do with the inquiry that was made in the administration of the police force in the City of Peterborough, before Mr. Justice McKay, I think. McKay?

A. No; I was in England all that summer.

Q. I see. And you, as you have told us, were not called upon to weigh in the balance any factors that Geoffrey Feeley might be advancing in support of his application for clemency?

A. None whatsoever. I do not know what basis his application was made on. It was merely a form letter; so-and-so had applied for executive clemency. Would I make a report.

Q. Yes. Before I conclude: you have been Crown Attorney at Peterborough for how many years?

A. I believe it is 14 years; going on fourteen.

Q. Now, during that time have you ever had any interference from any of the senior legal personnel in the Attorney General's Department, in regard to the carrying out of your duties as Crown Attorney?

A. None whatsoever. As a matter of fact, I could go back 14 years beyond that again, because I was in close association as a student, and later a partner with Mr. McElbery, the former Crown Attorney, and I never heard of any suggestion, nor has there been in my regime, of interference by the Attorney General's Department;

now would I permit it. I take the view that I am a true barrister, and when I am charged with a case, I do not fight for the Bench, my lord.

Q. You do, I take it, communicate with the senior legal personnel in the Department from time to time?

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AA/4

A. Oh, yes, I like their advice; but the more you leave them alone, the better they like it.

MR. WILSON: Thank you.

THE COMMISSIONER: Are there any questions, Mr. Hogg?

MR. HOGG: Yes, Mr. Commissioner.

EXAMINED BY MR. HOGG:

Q. You were aware that reports had been made to the Attorney-General's Department on behalf of Foeley?

A. No. I had heard so since, but at the time that I received the request for the report I was not aware. You see, every person convicted usually applies for executive clemency. We get two or three a week.

Q. You since learned that an application was made on his part?

A. I have heard a lot of rumours.

Q. Yes. Do you know, now, who made those reports?

A. I have no personal knowledge at all.

Q. Who would know that? Or where would the file be?

A. It was not made through Peterborough; that is not through my office. I don't know.

Q. Where would the file be now?

A. Their file? I have my own file on the matter.

Q. Not your file, but the Government file dealing with representations for clemency, made on his behalf?

A. I don't know, I do not run the Attorney-General's Department.

Q. As far as you know, it would be with the Attorney-General's Department?

A. As far as I know; certainly my letter would be.

MR. HOGG: Now, Mr. Commissioner, I understand that there is a document or a file concerning Inspector Stringer, and the representations so far as clemency were concerned; I have not seen that file. I understand Mr. MacKinnon made a request to be allowed to see any document in connection with the Inspector's representations. If there is any document in connection with this, I would like to see it.

THE COMMISSIONER: All right. Have you any objection?

MR. WILSON: Yes. The Attorney-General's Department has a file on the matter, Mr. Commissioner. They undoubtedly will be produced

in due course, but when officials of that Department give evidence here.

THE COMMISSIONER: Are you through with this witness?

MR. HOGG: No, I am not.

THE COMMISSIONER: What do you want?

MR. HOGG: As I understand, this Stringer report - I would like to see that Stringer report before this witness leaves the box.

THE COMMISSIONER: Is it here? Mr. Common, do you know anything about that?

MR. COMMON: I have just consulted my secretary and the file is inthe office. Mr. Commissioner, I do not have the report here. I did not anticipate that the matter of the report would come up today, otherwise I would have had it here. I am very sorry, sir.

THE WITNESS: I have no knowledge of what Mr. Stringer did ---

MR. HOGG: If it is not here, I cannot raise it.

THE COMMISSIONER: What are you about to raise?

MR. HOGG: As I understand this O.P.P. report, over the signature of Inspector Stringer in connection with this man "Gyp" Feeley, was requested by Mr. MacKinnon some time ago. As a result I was under the impression that Mr. Wilson had the original, or the copy.

THE COMMISSIONER: I cannot understand; is it a report in connection with Feeley's application for executive clemency?

MR. HOGG: Yes, sir. We have heard now that the Crown Attorney and the Magistrate made certain recommendations.

THE COMMISSIONER: Yes.

MR. HOGG: Now, the O.P.P., I understand, also made one, and that is the one I want to see.

THE COMMISSIONER: All right, we will get it for you. Have you got that, Mr. Common?

MR. COMMON: My friend says there is a report. I am not aware of the report on the executive clemency aspect of the matter, because it is not here. I am not aware of any report in this case from the O.P.P. But if Mr. Hogg says there is one, I will certainly do my best to take it up, and let him have it. But I do not recall seeing one, reporting on clemency, from Mr. Stringer.

MR. HOGG: I understood that Mr.Wilson had one.

MR. WILSON: Mr. Commissioner, this has nothing to do with this witness at all. This witness says he knows nothing about it. If the Inspector has it,he is the witness we will have in the box, when it is produced.

THE COMMISSIONER: Q. You do not know anything about it?

THE WITNESS: No, my lord.

THE COMMISSIONER: Of what possible value would it be to you, in cross-examining this man?

MR. HOGG: It is my submission that we wanted this report ---

THE COMMISSIONER: I am asking you, what value would it be to you, in your cross-examination of this witness, if he said he does not know anything about it?

MR. HOGG: Well, I want to see whether the gist of the report was the same as from the Magistrate and from the Crown Attorney, and perhaps ask him what the usual practice was. But I will leave the matter.

THE COMMISSIONER: I cannot see what possible help it would be to you in the examination of the witness, if he knows nothing whatsoever about it.

Your assistant seems to have more pronounced views than you have.

MR. HOGG: Apparently he knows more about this report than I do.

THE COMMISSIONER: Confer with him, and have him tell you what he knows; whether there is anything in it that would help you in the cross-examination of this witness.

MR. HOGG: Our information is that Stringer, or the O.P.P. recommended against clemency.

THE COMMISSIONER: Let us assume that that is so. How is it going to help you in cross-examining a man who says he does not know ~~anyt~~ anything about it? That is my point.

MR. HOOG: I will leave the matter, Mr. Commissioner.

THE COMMISSIONER: I would think so. Have you any more questions?

MR. HOOG: I just wanted to ask a few questions about the Tisdale matter.

THE COMMISSIONER: Yes.

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BI/FL

MR. HOGG: Q. I just wanted to ask a few questions, about Tisdale . So far as this matter of the representations concerning sentences is concerned, Mr. Bradshaw, you said the defence were pressing, not without some justification, because of the cost of the appeal to them?

A. And the first trial.

Q. And the first trial. Do you know what the cost was?

A. I haven't got any idea.

Q. Did you form any opinion as to what this gaming house was making during the course of its operations?

A. There was no evidence along that line at all. The anti-gambling squad raided and caught them there and they had fourteen hundred on the desk, and that is all.

Q. Did you feel the financial cost they had encountered would more than offset the term of four months?

A. I have no knowledge of what they were making, nor have I any knowledge of the costs of the trial they were put to, except I have some general knowledge of lawyers' fees and I considered it was considerable.

Q. You said you regarded Chief Constable Shrubb, and have regarded him, as an honest police officer?

A. Oh, yes.

Q. I suggest you also regard him

as a conscientious and able officer?

A. Yes, a very able police officer. His excellent police training has, however, I think, led him to be very, very suspicious and, as a result, he will imply meanings that the average person would not to a situation.

Q. He scrutinizes things pretty carefully?

A. Well, he is trained, as any police officer is, to be suspicious, and he is a well trained police officer.

Q. I take it you have made no notes at the time this incident occurred?

A. We were handling 12,000 informations a year and I hadn't any time to make notes. Even my file is not complete.

Q. Have you any reason to doubt when Mr. Schrubb records something as a fact having occurred - I am not talking of his opinion - but when he recorded a fact that he would record it in an incorrect manner?

THE COMMISSIONER: Just a moment. No one is suggesting Mr. Schrubb would intentionally record anything as a fact which was not a fact.

MR. HOGG: Very well.

That finishes my examination.

---The Witness withdraws.

Even my file is not complete.

MR. WILSON: Mr. Commissioner, I would have called former Magistrate Hopkins but unfortunately he is on a trip overseas.

But, he wrote a letter to Mr. W. B. Common, Q. C., on May 4, 1962, having in mind he was leaving in a few days for England. He was not under subpoena at that time. There is one paragraph of the letter which is rather relevant to what has been going on:

"If called I would have been "pleased to state that you or any "person of the Attorney-General's "office did not at any time during my "whole period of employment as a "magistrate discuss cases previous to "final disposition with me. On no "occasion did you ever endeavour to "influence me in any manner whatsoever. "I would state the same regarding your "predecessor, Cliff Magone, and, also, "the present and previous Attorney-"General. It would also extend to any "past or present Members of Parliament. "Specifically, neither you nor your "associates ever endeavoured to influence "me regarding the Peterborough trial in "question before the Commission."

I will be calling Magistrate Hopkins on his return.

MR. WILSON: I will call one short witness before I call Inspector Rambottom. I will call Mrs. Davidson.

Mrs. MAUREEN DAVIDSON, sworn:

EXAMINATION BY MR. WILSON:

Q. Where do you live?

A. I live in Woodbridge, sir.

Q. You were at one time an employee of the Bell Telephone Company?

A. Yes, sir, that is right.

Q. During what years were you employed?

A. That would be from 1955 until 1959.

Q. And in 1958 what was your position with the Bell Telephone Company and where were you stationed?

A. I was a service representative in the business office at 2150 Bloor Street, sir.

THE COMMISSIONER: Just a moment.

Yes?

MR. WILSON: Q. Now, in 1960 you were asked by the Ontario Provincial Police to look up records of certain enquiries you had made and entries you had made as a result of the enquiries in 1958 in respect to a number, Cresent 82538. If

you have any notes there that refresh your memory you may look at them.

A. Yes, sir, that is right.

Q. What was your experience in 1958 with that Crescent 82538 number?

A. The experience that I had with that number was that the subscriber, a lady as it happened, called the business office one day and denied any knowledge of several -- one or a few long distance calls which had appeared on her account.

Q. Do you know during what part of 1958 this would be?

A. I am not positive, sir, but I believe it was in either the spring or the summer.

Q. As a result of this denial by the subscriber -- And who was the subscriber?

A. I am sorry, I don't know who it was.

Q. You just know that that was the number?

A. Yes.

Q. And you talked to some woman who answered the telephone at that number?

A. No, sir, she called the business office.

Q. She called the business office?

A. Yes.

THE COMMISSIONER: Q. You would not know whether she was calling from that number or not?

A. No. However, I assume it was the subscriber and she was complaining about the calls.

Q. You would not know whether she was calling from that number or not?

A. No.

MR. WILSON: Q. As a result of this complaint what action did you take?

A. The practice at the time was to contact the distant number, say Montreal, for example, contact that number and find out who it was.

MR. WILSON: Exhibit 121, please.

Q. We have a summary of certain long distance calls that were made from Port Credit, Crescent 82538, between May and July of 1958. Just to illustrate, when you say you would enquire of a distant number, would you explain it, what you would do?

A. Yes, certainly. We would call the distant number. This one, for example (indicating).

Q. The first one happens to be Port Erie 1955?

A. Yes. We would call that number and speak to a party there and find out who it was that had called them from Port Credit, in the generalized area.

Q. Yes.

A. On such and such a date, and at

such and such a time.

Q. Yes? And, then, you would trace it back to the Crescent 62928 in that way?

A. Yes, sir, that is right.

Q. Now, in this case you say you called one or more distant numbers?

A. Yes, sir.

Q. Where the charges had been --

THE COMMISSIONER: She has not said that. She said the practice was to do that.

MR. WILSON: Q. Did you, in fact, do that?

A. Yes, sir.

Q. With what results?

A. With the result that the party at the distant number advised me that -- advised me of the person who had placed the call to them, but it was not the lady who had made the original complaint.

Q. Who did the person at the distant number advise you had made the call?

A. Mr. Joseph McDermott, sir.

Q. Yes. As a result of that information did you do anything further?

A. Yes, sir, I did.

Q. What did you do?

A. I called Mr. McDermott and confirmed that he had spoken to people at the distant place and asked him how he had come about that, the calls had been charged to another lady's

telephone number. Now, -- He, then, told me he had made an arrangement with her, for business reasons, to charge some long distance calls to her account.

Q. At what number did you reach Joseph McDermott? Have you got that?

A. Yes, sir.

Q. Have you got the original calls?

A. Yes.

Q. These are original telephone cards you have in your hands, or photostats?

A. These are photostats. Mr. McDermott's number was Crescent 83783.

Q. What are the particulars on that card?

A. His name and address.

Q. Just read off the pertinent information.

A. I put down that --

Q. First, give us the name on this card.

A. The name on the card is J. B. McDermott. The address, 1519 Rometown Drive. It gives his occupation as well.

Q. What does it show as his occupation?

A. He said he was a partner in the Lakeside Cigar Store.

Q. Yes?

A. And the telephone number, as

well, is added.

Q. The telephone number, Crescent 83783?

A. Yes, sir, that is right.

Q. As a result of your talk with Mr. McDermott did you make a notation on this card?

A. I did, sir.

Q. What notation did you make?

A. I said that Mr. McDermott had made arrangements with Crescent 82538 to give their telephone number on long distance calls, instead of his own, to protect himself from the Ontario Provincial Police because he is a gambler.

Q. You say MR is gambler?

A. Yes.

Q. Mister is a gambler?

A. Yes.

Q. Is that information you got from him at that time?

A. Yes, sir, that is what he told me.

Q. Did Mr. McDermott change his telephone numbers quite often around about that time?

A. Yes. There were several numbers that he had had.

Q. And does that show on that little card that you have in your hand?

A. Yes, sir.

Q. The other numbers as well?

A. Yes, it does.

Q. What were the other numbers he had?

A. The first telephone number he had was CRescent 8-5101, and the next one was CRescent 8-5993, and eventually he had CRescent 8-3783.

Q. And Then, there is one further notation I would like you to explain. Just below those numbers there is, on the printed form, it was "Other Services", and you have a number. Would you read the number?

A. That is Clifford 92721.

Q. What does that mean?

A. Well, that meant he had that telephone, or it was believed he had that telephone number operating in his own name at the same time. Obviously another address.

Q. Above the note of that number, and slightly above it, there appears to be a 3 in italics.

A. That is a B.

Q. What does that mean?

A. That was just a code to signify his credit rating.

Q. How did you get Mr. McDermott's number? Did you -- After you called the distant number?

A. As far as I can remember, sir, Mr. McDermott's telephone number was given to me by the party at the distant number.

Q. Do you remember at what distant numbers on that account that you called?

A. I don't remember offhand.

Q. Now, if you got this information from Mr. McDermott and having made the notation on this card, which we will file as Exhibit No.150, what did you do next?

Possibly we should mark this card before we go on.

THE COMMISSIONER: Q. What do you call that card, witness?

A. That is the credit card, sir.

---EXHIBIT NO. 150: Bell Telephone Company credit card relating to J. B. McDermott.

MR. WILSON: Q. There is one further notation on this credit card that I direct your attention to. On the form there is the name Mr. John Plamchuck.

A. I believe that was Plumchuck.

Q. Plumchuck?

A. Yes.

Q. P-l-u-m-c-h-u-c-k?

A. Yes, sir.

Q. Who was John Plumchuck?

A. I don't remember having any dealings with him but the way it was written on the card there I believe would indicate he was the other partner in the cigar store.

Q. Having got this information

from Mr. McDermott and having made the notation on the credit card, what did you do next?

A. Then, I contacted the lady that complained about the long distance calls.

Q. In order to contact that lady what number did you call?

A. CRescent 8-2538, sir.

Q. Tell us the substance of the conversation you had at that time.

A. At that time I explained to her what I had done to find out where these calls had originated and she -- I advised her about calling the distant number and said Mr. McDermott had placed the calls and that I had been in touch with Mr. McDermott. And, then, she told me, "Oh, yes", she had made arrangements with Mr. McDermott to do that. However, she just could not remember the calls themselves. She didn't know anything about them, the numbers.

Q. Was that the last you heard of the matter?

A. That particular matter, yes, sir.

Q. You say that "particular" matter. Did you have anything further about that particular number?

A. No, not that one, sir.

Q. That is all, thank you. Just a minute, may be my friends would like to ask you some questions.

THE COMMISSIONER: Any questions?

MR. HOGG: No, Mr. Commissioner, I cannot think of any.

THE COMMISSIONER: Mr. Rose is not here.

Q. Thank you, That is all.

---The Witness withdrews.

MR. WILSON: And now, Inspector Ramsbottom.

HARRY RAMSBOTTOM, sworn:

EXAMINATION BY MR. WILSON:

Q. You are an inspector in the Ontario Provincial Police and in charge of which district?

A. Number One district in Chatham.

Q. And when did you join the force?

A. 1929.

Q. And how long have you been inspector at Number 1 District?

A. Seven year, sir.

Q. You are the inspector in charge?

THE COMMISSIONER: Q. How long?

A. Seven years.

Yes sir.

MR. WILSON: Q. That takes us back to 1955, does it?

A. That is right.

Q. Now, in 1957 Sergeant Hatch, as he was then, was a sergeant of your detachment?

A. That is right, sir. Essex.

Q. Have you brought with you your 1957 diary?

A. Yes, sir.

Q. So that if we need to refer to it we can. Now, we have heard the Roseland Club was in your district.

A. Yes, it was.

Q. And have you been stationed in Chatham, or in that district prior to your appointment as inspector?

A. I was stationed in Essex county for 18 years prior to coming back to Chatham as a district inspector.

Q. And, so, when you were appointed inspector you had knowledge of the Roseland Club?

A. It didn't exist when I left Essex county the first time. When I came back in 1955 it was established as a club, but for the first two years it was the responsibility of the Anti-Gambling Branch to look after the gambling work and it didn't become my responsibility until April of 1957.

Q. I think Sergeant Hatch has told us that at that time there was a new policy which resulted in the district taking over the surveillance and policing of the Roseland Club. Is that correct?

A. Yes.

Q. With, of course, the cooperation of the Anti-Gambling Branch?

A. That is correct, sir.

Q. Now, after that happened did any question of secrecy arise or any question of method of dealing with reports to avoid any possible

Q. [illegible] Mr. Ward, do you want to answer

to it as you can. Then, we have heard the remarks

that was in your direction.

A. Yes, I do so.

Q. And have you been referred

in Chatham, or in that direction since to your

appointment as Inspector?

A. I was transferred in Janu-

ary from 18 years prior to taking up the

functions of a District Inspector.

Q. And, so, when you were questioned by

the police you had knowledge of the Homeland Clubs?

A. It didn't come then I have

been county the first time. When I came back to

Lucy, it was established as a club. But in the

first two years to see the [illegible] of the

Anti-Gambling Branch to look after the gambling

work and it didn't become an [illegible] until

April of 1927.

Q. I didn't [illegible] Branch you talk

on that as that time there was a new order which

resulted in the different [illegible] and

and policing of the Homeland Club. Is that correct?

A. Yes.

Q. Well, of course, who [illegible]

of the Anti-Gambling Branch?

A. That is correct, sir.

Q. Now, either then [illegible] any

any questions of [illegible] either or any [illegible]

[illegible] or dealing with [illegible] to [illegible]

leaks of information?

THE COMMISSIONER: Just paraphrase or repeat your question.

MR. WILSON: Following the change in policy, when the supervision of the club fell under the jurisdiction of the local district, was there any change in the procedures with regard to the reports?

A. When the responsibility became that of the district we were instructed to submit a report weekly on our progress to the Commissioner. The report was compiled by Essex detachment and sent on from Chatham to the Commissioner's office.

Q. Was this weekly report you spoke of, was it with relation to the Roseland Club or gambling generally?

A. The Roseland Club only.

Q. So, from that time on you made weekly reports to the Commissioner of the force?

A. That is right, sir, we submitted weekly reports.

Q. And were they designated as being confidential?

A. Yes, they were.

Q. Would you actually make the report each week?

A. No, sir, the report was compiled by Essex detachment, usually by the sergeant in charge, or someone taking his place, and sent on

to Chatham.

THE COMMISSIONER: Q. And you sent it on to the commissioner?

A. That is right.

MR. WILSON: Q. Now, during the summer of 1957 was there any great activity at the club, the Roseland Club?

A. Not during the summer months. Activity almost came to a stop in May and there was a slump in activity right through until the middle of August, 1957.

Q. Then, in the middle of August the activity stepped up a bit?

A. That is right, sir.

Q. Then, in the fall was there a meeting at which you were present with the members of the -- Well, first of all, with the commissioner, about this club?

A. That is right, sir.

Q. Just tell us, does your diary indicate the date?

A. I can recall the date I mentioned to the commissioner was September 30th. And from that meeting --

THE COMMISSIONER: Q. Who was at that meeting with the commissioner?

A. I spoke to the commissioner myself, sir; there was noone else present. September 30th.

Q. Yes.

A. From that meeting arrangements were made for a meeting on October 9th.

MR. WILSON: Q. And who were present -- Where was the meeting on October the 9th.

A. In the buildings, I believe.

THE COMMISSIONER: Q. Where, Parliament Buildings?

A. Yes, sir.

MR. WILSON: Q. Who was present at that meeting?

A. Sergeant Hatch and myself from Number 1 District, the District Inspector from Niagara Falls, Marsland.

THE COMMISSIONER: Q. What is his name?

A. Marsland.

Q. Yes?

A. District Inspector Hand, Number 5 District, Toronto.

Q. Yes?

A. The Deputy Minister, Mr. Common.

Q. Yes?

A. Commissioner E. V. McNeil.

Q. Yes?

A. Deputy Commissioner James Bartlett.

Q. Yes?

A. Sergeant John Anderson.

(Page 4880 follows)

ADO'H/1

THE COMMISSIONER: Yes, Mr. Wilson?

MR. WILSON: Q. What was the substance of the discussion that took place at that meeting?

A. The police district inspector made a report on the progress they were making.

THE COMMISSIONER: Q. Each inspector?

A. Each district inspector. There was three of us there.

MR. WILSON: Q. That will be the inspectors from 4and 5, was it not?

A. And myself, yes.

Q. As well as yourself?

A.Yes.

Q. Yes, and after that?

A. We stated any problems we had, and there was some discussion. We were mainly concerned with the Roseland Club, our own problems, and Sergeant Hatch spoke for No. 1 district and related he had arrived at a position where he thought that the confidential weekly reports, sent through the mail, was too great a risk to take, and asked for the permission to be given not to submit the weekly report. Another reason given -- was proposed to use an informant in the prosecution.

THE COMMISSIONER: Q. I can't hear you very well.

A. Proposed to use an informant in the prosecution of the club at some future date.

Q. Yes?

A. And we would like permission not to submit progress reports.

Q. That you and he?

A. That is right, sir.

Q. Yes?

A. The request was discussed by the Deputy Minister and Commissioner McNeill, and the Deputy Minister thought it was a reasonable request and it wasn't necessary to continue sending in the reports.

MR. BREMNER: I wonder if you would speak up?

THE WITNESS: The request was considered by the Deputy Minister.

THE COMMISSIONER: Q. That is, Mr. Common?

A. That is right, Mr. Common, and Commissioner E.V. McNeill. Mr. Common stated the request was reasonable and that it shouldn't be necessary to submit further progress reports.

MR. WILSON: Q. You mentioned a discussion about informants. What was the discussion in that regard?

A. It was in relation to confidential reports being sent on through the mail, that the informant's life might become in jeopardy and the risk of sending on information of that type of through the mail.

Q. And what decisions were arrived at

in regard to informants, that day?

A. I think it was understood that we were to continue on with our plans and make doubly certain that we had sufficient in the way of evidence before we proceeded to search found-ing and lay a charge.

Q. Now, at that meeting, or at the conclusion of the meeting, did any one present ask for the name of the informants you had in District No. 1?

A. Just who raised the question, I don't know, but I recall that both Mr. Common and Commissioner McNeill stated that it wasn't necessary to give the informant's names and he didn't want to know and it shouldn't be given.

Q. Was this at the end of the meeting?

A. During the meeting. During the meeting.

Q. And you say you are not sure who raised the point. I mean, who asked for information about the informants?

A. I am not certain.

Q. Well, Inspector Hatch has sworn that it was Deputy Commissioner Bartlett.

A. Just after that meeting was closed, when every one was leaving, I did overhear Deputy Commissioner ---

THE COMMISSIONER: Q. Speak up.

A. I did overhear Deputy Commissioner

Bartlett speak to Sergeant Hatch and I recall he said, "What have you got, Jack?", or, "Who have you got?" Something along these lines, and it seemed to be a private conversation between them.

Q. You have stated, as of October 9th, the confidential reports no longer went forward in the usual manner to headquarters?

A. That is right, sir.

Q. We have had filed here, three reports dated September 26th, September the 19th, and August 15th, 1957, as Exhibits 141-A, B and C.

Are these the type of reports that you were speaking of that it was customary to forward weekly after the change in policy in April, 1957? (Produced)

A. Yes, sir.

Q. Now, these three were put in during the evidence of Deputy Commissioner Bartlett, and he identified that in each case they had come to his attention and, in fact, you will see his initials or notations on two of them.

Now, after the meeting of October the 9th, 1957, did you have further communications with Deputy Commissioner Bartlett, during which questions were asked by him about the police activity in your district against the Roseland Club?

A. After date of ---

Q. October 9th.

A. October 9th, no, sir.

Q. You never heard anything further from him after that time?

A. No, sir.

THE COMMISSIONER: That wasn't your question. You asked him if he had meetings with him.

MR. WILSON: I think I said "communications".

THE COMMISSIONER: I may have misunderstood you.

Q. Did you have any communications with him by telephone or otherwise?

A. Not that I recall, sir.

MR. WILSON: Q. Then do I understand that prior to October th 9th that you did have, apart from these weekly reports, discussions from time to time on the telephone with Commissioner Bartlett?

A. There were some.

Q. Did you make any notes in your file in regard to any of them?

A. I made a short memorandum on August the 30th, after I had received a call from Deputy Commissioner Bartlett.

Q. And what was the notation?

THE COMMISSIONER: Well, turn to it, if you have it.

MR. WILSON: Q. Well, Mr. Carty has called to my attention that he has looked through these files and there may be a memo on August 28th.

A. It is a memorandum, but it doesn't

bear a date, but it was filed the same date as this report, the progress report, dated August 29th and sent in -- on from Chatham on August 30th. On that date I received a telephone call from Assistant Commissioner Bartlett. The memorandum reads:

"Re Walker Road Club. Phone call "received 3.00 p.m., Friday, August 30th, "1957, from Assistant Commissioner "James Bartlett."

THE COMMISSIONER: Speak up.

A. " . . . from Assistant Commissioner "James Bartlett. Re Walker Road Club. "He received a phone call from Mr. Herman "that two Provincial Police cars were "parked at the club on August 28, one "car parked there on August 29th. "Officials were waving traffic past "the club entrance with their flash- "lights. I informed the Assistant "Commissioner that we were not waving "cars past the club, that we were "continuing, that observation must "cease, no attention."

Q. On what date? Herman had complained on what dates you were doing these things?

A. August the 28th and August 29th.

Q. He went to the trouble to telephone you about this?

A. He telephoned me, sir.

Q. On August 30th?

A. On August 30th. That was -- he said it was a direct complaint he got from Mr. Herman.

Q. Yes?

A. That information, sir, is only half true, to the extent that the two cars parked at the club on August 28th, one was my own, for a period of an hour or so, when I dropped into the area and stopped to talk to two men keeping observation.

Their car was parked on the opposite road to the club, in the laneway leading to Croyder's residence. They were local people that lived there. They were parked in their lane. I drove in there and spent about an hour talking to our men. We remained seated in the car. We didn't use our flashlights for any reason. We weren't waving traffic away from the club and never did.

cc/2

There is another entry, a footnote to this report here, that the night after -- the two cars that werethere on the 28th, my own for about an hour, and the following night, the 29th, the car was keeping observation there and the steward from the club walked across the road to our parked car and asked both our men for their names. He said he was instructed by Toronto to get their names.

MR. WILSON: Q. Who was the steward? Johnston, was it?

A. Mr. Johnston.

Q. Yes. He said he was instructed by Toronto?

A. To get their names.

Q. To get their names.

THE COMMISSIONER: Just a moment.

Q. Who was with you at the time?

A. At the time?

Q. Your car was parked there, and what other officer was with you?

A. Two other officers, as I say, were keeping observation every night, sir. Corporal Graham and Constable McKenzie.

Q. That is on the night of August 29th you are talking about now?

A. The 29th, yes, sir.

Q. Corporal Graham, you said?

A. Yes, sir.

Q. And the other man's name?

A. McKenzie. Provincial Constable McKenzie.

Q. What reply did you make to the steward?

A. I wasn't there, sir.

Q. Oh, I thought you were.

A. No. No, I wasn't there.

Q. You are reporting then what Graham and McKenzie told you, are you?

A. That is right. It is recorded in one of the progress reports filed.

MR. WILSON: Q. Now, as a result of this

call from Deputy Commissioner Bartlett, and your explanation, was there any change in your procedures in regard to this club?

A. No, sir.

Q. I think if you look at your file, you said the activities of the club started up again in August?

A. That is correct.

Q. I think there was an earlier memorandum or report just prior to August 28th?

A. Regarding a telephone call?

Q. Yes, I think so. It is a memorandum from yourself to Sergeant Hatch.

A. There is a memorandum regarding a telephone call I received from Deputy Commissioner Bartlett.

THE COMMISSIONER: Q. On what date?

A. August the 28th.

Q. Yes?

A. He advised he received a complaint.

Q. Is that the one you have already told us about?

A. No, sir.

Q. It isn't?

A. From Mr. Pepper.

MR. WILSON: Q. Possibly you could read it.

A. A solicitor of the Attorney General's Department, of a complaint made to him by Mr. Herman on behalf of the above noted club. That is the Roseland Club. To the effect that the

Provincial Police of the Essex detachment had been picketing the club.

Q. Now, around about this time, after the activities started up in August, down to October the 9th, apart from the weekly reports you were sending forward to headquarters, apart from those two telephone calls you had from the Deputy Commissioner; did you have other calls from him?

A. Not during that time. There was one earlier, July the 12th.

Q. Tell us about that one.

A. Instructions to discontinue observations. Periodic examination was permitted, only. That didn't affect our operation because we hadn't been keeping constant observation on the club. It was slack at that time and it didn't affect us in any way.

Q. Did he confirm that by letter?

A. It was confirmed by letter from Commissioner E.V. McNeill.

Q. Yes?

A. Dated July the 12th, but not received until July the 23rd.

Q. And have you got that letter from Commissioner McNeill, there?

A. I have a copy of the letter, sir. The original of the letter was sent in.

Q. Now, this memorandum, referring to the date of July 23rd, 1957, it is a memorandum

for Sergeant J.H. Hatch, Essex Detachment, re Army, Navy and Air Force Veterans Club, Township of Sandwich South.

"Further to my memorandum on this matter "of July 12th, 1957, dealing with a "telephone call received from Assistant "Commissioner James Bartlett. We "are now in receipt of a directive from "the Commissioner which reads as follows."

And then you have a notation in pencil:

"Letter dated July 12th not received "until July the 23rd."

Is that your notation there?

A. It is my notation.

Q. Yes. And then there is a quotation from the letter from the Commissioner, or the directive:

"Concerning instructions received by "you this date from Assistant "Commissioner J. Bartlett from this "General Headquarters, dealing with "the marginally-named subject, I "was advised that the personnel of "the Force under your supervision "must be instructed to discontinue "checking drivers and taking the "names of occupants of vehicles "entering the marginally-named "premises.

"Periodical observations may

"be continued, and it is understood that
"if the results of such observations
"warrant a raid, appropriate action must
"be taken without further instructions
"from this General Headquarters."

And then it goes on:

"When submitting your weekly report for
"this week, please acknowledge receiving
"copy of Commissioner's directive dated
"July 12th, 1957."

And it is signed by yourself?

A. That is right, sir.

THE COMMISSIONER: We have that letter of July 12th, 1957, in as an exhibit already, haven't we? What is the number?

MR. WILSON: I see the original was forwarded to Mr. Norman Phelps on March 26, 1962. Exhibit 76. 76 was a sample of the one that was sent out to all three districts, 1, 4 and 5.

THE COMMISSIONER: Yes.

MR. WILSON: Q. This particular exhibit is not your document, but it is addressed to the Inspector, Inspector Hand of No. 5?

A. Yes, sir.

Q. And that, you say, was received by you, or a similar one, on July 23rd?

A. Thatis correct, sir.

Q. Now, is that all the communications you had from Bartlett, around that time?

A. I believe, sir, there may have been

others.

Q. Now, after the July 9th meeting, there was a further meeting, I believe, on October 18th, 1957?

A. Yes, sir.

Q. And was that meeting also at the Attorney General's Department?

A. Yes, sir.

Q. And who was present on that occasion?

A. Mr. Bowman, Commissioner E.V. McNeill, Sergeant Hatch and myself.

Q. And what was the substance of the discussion on that date?

A. It was to explain to the senior counsel what we had in the way of evidence, and to get instructions on how to proceed with the search.

Q. Well then, who gave the instructions on that occasion as to what you were to do?

A. We explained what we had in the way of evidence and what we proposed to do, and we got the blessings of the senior solicitor, Mr. Bowman, and the Commissioner.

Q. To go ahead?

A. To go ahead.

Q. So there was a disclosure by Sergeant Hatch and yourself?

A. Yes, sir.

Q. To Mr. Bowman and Commissioner McNeill?

A. That is right.

Q. As a result of which you got their blessing, as you put it, to proceed with the raid of the Rosseland Club?

A. That is correct.

Q. On a date and at a time to be chosen by yourself?

A. By ourselves.

Q. Yes. And as a result of the decisions reached at that meeting, you did, in fact, make a raid on November 17th, as I recall?

A. The 13th, sir.

Q. The 13th. And that resulted, of course, in a prosecution?

A. Yes, sir.

Q. Now, there was one other meeting I want to refer you to fora moment. Did Sergeant Hatch bring to your attention certain approaches that had been made to him by Inspector Stringer?

A. Yes, he did.

Q. And as a result of that matter being brought to your attention, what action was taken?

A. I advised the Commissioner, E.V. McNeill.

Q. And was Hatch present at that time?

A. No, sir. A date was set later for December the 5th for the Sergeant, Sergeant Hatch and myself, to meet the Commissioner in Toronto.

THE COMMISSIONER: Q. What date?

A. December the 5th.

MR. WILSON: Mr. Commissioner, I noted, in reading over Hatch's evidence, page 4040, there is reference to this meeting, and I think there has been an incorrect recording in the transcript of the date, July 5th. Certainly the meeting was December 5th.

THE WITNESS: That is correct.

MR. WILSON: The transcript was corrected later, at page 4071.

Q. Now, tell us what occurred at that meeting with the Commissioner and Hatch and yourself, on December 5th, 1957?

A. Sergeant Hatch informed the Commissioner of some meeting he had with Inspector Stringer.

THE COMMISSIONER: This was on December 5th?

MR. WILSON: December 5th, 1957.

Q. Would you just go on, please?

A. It was a case of informing the Commissioner what had taken place.

Q. What did the Commissioner have to say about it?

A. He was displeased. I can't recall exactly just what he had to say. It was something that Inspector Stringer had imposed on their long association together and taking liberties he had no right to take. He had no right to make approaches to Sergeant Hatch about a transfer to his district. I can't

recall ---

THE COMMISSIONER: Q. He was certainly annoyed, in any event?

A. Yes, he was, sir.

MR. WILSON: Q. Well then, do you know what action, if any, he took as a result of that meeting?

A. No, sir.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Q. Witness, is my understanding correct that Inspector Hatch didn't even want to tell you the name of his informant?

A. I knew who the informant was. I would say I knew about the end of September, before our meeting in Toronto. I was well aware at the time of our meeting in Toronto who he was and the purpose for keeping his name confidential.

Q. I see. All right.

A. We were both concerned with it.

Q. That it should be kept confidential?

A. That is right.

THE COMMISSIONER: All right, ten minute recess.

---A short recess.

(Page 4900 follows)

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---On resuming:

THE COMMISSIONER: Yes.

MR. BREWIN: I understand, Mr. Commissioner, that in my absence, a matter rose, Mr. Common raised a matter and I haven't seen the transcript as I just got here, so I won't make any comment on it.

THE COMMISSIONER: Do you want to see it?

MR. BREWIN: I don't know if you want me to make any comments on it. I will reserve any comments I might have, if I am called upon to make any, perhaps after I have seen the official transcript.

THE COMMISSIONER: All right.

You are through with this witness, Mr. Wilson?

MR. WILSON: Yes, I am.

THE COMMISSIONER: Mr. Hogg.

MR. HOGG: Yes.

EXAMINED BY MR. HOGG:

Q. Inspector Rambottom, I wish to deal briefly with this meeting on October 9th in the Attorney-General's offices, and present you have told us was Hatch, yourself, a District Inspector from Niagara Falls, District Inspector Hand, No.5 District, Mr. Common, Commissioner McNeil, Deputy Commissioner Bartlett.

A. Yes.

Q. Have I missed anyone out?

A. Sergeant John Anderson.

Q. That completes it?

A. That's it.

Q. Now this was a meeting in which there were two voices raised. These were put through by your district, by Sergeant Hatch, and first of all, the first of these, was the confidential report not be sent through Headquarters.

A. That is correct.

Q. Secondly that the name of the informant that you had, not be disclosed?

A. That is correct.

Q. Now you had a very close association with Sergeant Hatch. He was your immediate superior?

A. Yes.

Q. And you and he were working on

this matter of the club together?

A. That is correct.

Q. You saw eye to eye on these things?

A. Yes, we did.

Q. And you told the Commissioner that it was your recollection that someone raised the question as to who the informant was, but that you can't now recollect who that person was?

THE COMMISSIONER: Q. Do you understand the question?

A. Yes, I do. It was explained to the group that we had an informer, by Sergeant Hatch, and that was the introduction of the informer.

MR. HOGG: Q. And that is how it would be raised?

A. Right.

Q. Somebody wanted to know?

A. Yes. It was pointed out at the same time that it was important that his name be not disclosed.

Q. Now certainly it wouldn't be you who raised that?

A. No.

Q. And it wouldn't be Sergeant Hatch?

A. No.

Q. Both Commissioner McNeil and Mr. Common said they didn't want to know?

A. That is correct.

Q. I suggest to you that the District Inspector from Niagara Falls, the District Inspector from No.5 Division would have no interest in this matter whatsoever, as it was out of their district, and was a legal matter?

A. That is correct.

Q. That leaves Deputy Commissioner Bartlett and Sergeant Anderson?

A. Yes.

Q. And I suggest to you that Sergeant Anderson wouldn't raise this question?

A. No, sir.

MR. HOGG: That sort of narrows it down.

Q. Inspector Ramsbottom, you have told us about the telephone call on August 30th from Bartlett. Would you search your memory as I want to go into this telephone call at some length. This was at 3 p.m. in the afternoon?

A. That's right, sir.

Q. This was a call to you from your superior?

A. That's correct.

Q. Saying he received a call from Herman in connection with the presence of men from your division who were observing the club?

A. That's right, or in the vicinity of the club.

THE COMMISSIONER: Q. You had received a call from Herman?

A. Complaint.

Q. You received a complaint?

A. I received a complaint.

Q. It was a complaint. I didn't hear about a call, a complaint.

MR. HOGG: All right, a complaint.

Q. Now, you and Hatch, I suggest, up to this time had discussed the matter of the club and how you could successfully raid it and terminate the activities?

A. That is correct.

Q. And the two of you had reached the conclusion that one of the first steps, or one of the most necessary steps, was to keep constant observation onthe club, and take the names of these people who were coming in, as we heard, from the States?

A. Partly. We found it necessary to keep observation but we didn't find it necessary to take the names. From observation, we could tell the license numbers of the cars when they went in, and from a search which was made, we had the names. We had the owner of thecar. We had a history of the gamblers that were going there, and a history of the hired help that went there, and all we needed to see was the car and how many were in it, and we had the story. But we

did have men there to see the cars going in.

Q. I suggest to you, that you sat down, not once, but a number of times, with Hatch and had gone through your tactical approach, so far as this club would be concerned. You would do this, and then you would move in the second stage, and so forth and build up a case?

A. Yes, we discussed it.

Q. Now you told, I take it, Bartlett, what you were doing, that you were taking the numbers of these cars, because there was no question in your mind that this was a gaming house, and was a "thorn in your side" or some such expression.

A. I told him it was necessary to keep observation on the club the way we were doing, and explained how we were doing it, and we were parked not on the highway, but we were parked opposite the club in a private driveway, and it was necessary to continue observation.

Q. Did he indicate anything to you detrimental to you or your activities there?

THE COMMISSIONER: Did who say anything?

MR. HOGG: Bartlett.

Q. I want you to search your memory.

A. He said observations should be stopped. We were permitted to keep periodical observation, but not constant or continuous

observation. Therefore, the difference between us - he thought we could keep periodic observation, but not constant observation. We kept observation from six at night until two in the morning, every night except Sunday, and he thought that it should be - we should keep periodic observation, but not continuous observation.

THE COMMISSIONER: Q. Why? You were not on the highway. You were in a private driveway opposite the club?

A. I don't know why he felt it wasn't necessary. It was the instructions we had been given at a time when it wasn't necessary to keep observation, and I thought that when it became necessary we put the car back on, and it was the only thing we could do.

MR. HOGG: Q. Being on the police force, you were required to follow the orders of your superior, no matter what you thought of it?

A. Well, we were given responsibility and we had a fair amount of freedom to carry out orders, and our responsibility, and the responsibility which was given to the district, and I felt that it was something that we should decide - Essex.

Q. Did Inspector Bartlett say anything about you, make any comments about you,

Inspector Ramsbottom?

A. Nothing directly. He said we could do ourselves harm. We could -- I think he was concerned himself for me and --- And he said we could do ourselves harm if we didn't follow instructions, and the instructions permitted periodic observation only, not constant.

Q. You could do yourself harm. Did he say anything else? Excuse me, before I ask that question, he was referring to you and to Hatch?

A. I think he was referring to us all, himself and myself, and what we were doing in Essex. I don't think he singled anyone out, that we could do ourselves harm if we did not follow the Commissioner's instructions of periodic observation.

THE COMMISSIONER: Q. You didn't interpret this letter of July 12th as instructions to you that you were to go there only at some irregular intervals and keep watch on the place andthen leave it?

A. July 12th, sir, we weren't too concerned, because there was a slump in the business at the club, and we didn't give it any concern until the club started to pick up and it became necessary about the middle of August to put the car there, and I talked it over and put the car there.

Regulatory Department)

A. Nothing directly. He said we could do ourselves harm. We would -- I think he was concerned himself for us and -- and he said we could do ourselves harm if we didn't follow instructions, and the instructions permitted periodic contacts, [illegible] only, not personal.

Q. You could do yourself harm. Did he say anything else? Excuse me, I believe I said that somehow, he was referring to what and to whom?

A. I think he was referring to us all, himself and myself, but that we were doing in Texas. I don't think he alluded anyone else, that we could do ourselves harm, if we did not follow the Government's instructions of periodic communication.

The COMMISSIONER: Q. Now didn't Lieutenant this letter of July 1st as instructions to you that you were to go only at some irregular interval and then watch on the place another three or

A. Only later, sir, he wasn't the concerned, because there was a delay in the business at the time, and he didn't give it any concern until the time elapsed to give up and it seemed necessary that he should it hopefully get me out there, and I wanted to meet and get the man back.

Q. Yes, but this letter of July 12th dealt primarily with the old practice of checking the drivers and taking the names of the occupants.

A. That's right. We never did that, sir, we never did.

Q. This letter ---

A. Yes, sir.

Q. -- refers to that.

A. That's right.

Q. And he says that periodical observation may be continued?

A. That's right.

Q. You didn't take that as instruction that you couldn't stay there for a matter of an hour at any time, did you?

A. No, sir, I wasn't concerned over the letter at all, until telephone calls started coming, and then I decided we were doing the right thing, and if anything happened we could defend ourselves, and we could keep on with the observation and forget about it, and that is what I told the Assistant Commissioner, and he agreed that it was my responsibility, and it ended there. I didn't hear anything more about it, and I think he was satisified when I told him.

MR. HOGG: Q. Would you describe this meeting of October 9th, as very unusual in your police experience, requesting permission

to withhold information from your superiors, and not to inform them as to the names of the informant?

A. It would be unusual, but it could be expected in view of the circumstances.

Q. Which were unusual?

A. That's right.

Q. That information was leaking out that the gambling operations ---

A. Yes.

Q. And when you say, Inspector Ramsbottom, that you were concerned about these reportsbeing sent through the mail, and I take it what you mean is that you were concerned with the fact that they were reaching Headquarters, and not the physical transfer of the letter through the mail?

A. Both, sent through the mail, and we don't know their destination. They are sent to District Headquarters, and where the reports go after they get there is beyond our control, and the information, when it has progressed to the point where we thought that the information we had collected should remain confidential until it was used in court.

Q. Now after October 9th, didn't the Deputy Commissioner Bartlett call you about other police matters, either routine matters of other investigations that you were

on, such as a murder or shopbreaking or ---

A. He may have called, but I don't recall the club being discussed, or anything further concerning the club. There may have been calls - it was routine police work. I don't recall any particular ---

Q. Did he call very often over the years?

A. Oh, yes. He was second in command on the Force at that time, and I would -- I believe that the Deputy was ill, and he did call about matters which concerned - he would phone or teletype messages.

Q. What is the significance of this letter dated July 12th, but received July 23rd? What did that notation mean?

A. It was mailed out under the date of July 12th, and we didn't receive it until July 23rd. That is the only point there. We weren't too much concerned about it at that time.

Q. Now back as far as this spring, had you received either telephone calls or letters from Headquarters indicating that Mr. Herman had been complaining about the fact that you were bothering the club?

A. I received on letter in May, I believe, or April, from the Commissioner, of a complaint made by Mr. Herman, regarding names of patrons to the club. It was something

on, such as a dance or theatre, or ---

A. In any case called, yes I don't recall the exact during conversed, or anything further concerning the city.

Have you been home until - if you receive notice work. I don't recall any particular ---

Q. Did he call very often over the phone?

A. Oh, yes. He did call I remained on the Bureau at that time, and I could -- I believe that the Bureau the 11th, and he did call about another month conversation - he would phone or telegraphs messages.

Q. Was it the significance of this letter dated July 11th, but previous July 17th? Was not that interview

A. It was called out under the time of July 17th, and we didn't receive it until July 19th. Was it the call prior then, to which's the last conversation made in that time-

Q. Now tell me for a time period, and you received either telephone calls or letters from Oswald prior to the 17th, or, therefore had been complaining about the fact that you were interrupting was clear

A. I received an letter in May, I believe, or April, from the Commissioner of a complaint made by Mr. Harvey, regarding being of phone in the city. It was regarding

we were not doing, and replied to it.

Q. I have here a copy of a confidential letter signed apparently by R.V. McNeill, Commissioner of Police, dated May 8, 1957 to the District Inspector, Chatham, re Activities re Gambling, and it reads as follows:

" Confirming our telephone "conversation of this morning, "I wish to advise that Mr. W.B. "Common, Q.C., Department of the "Attorney-General has apparently "received a complaint from Mr. "Herman, Solicitor, representing "the gambling fraternity operating "in your district, that Ontario "Provincial Police personnel when "checking vehicles entering the "gambling establishments under "observation in your district are "advising the occupants of these "autos that they have no business in "the vehicles or in attending the "gambling premises.

" If this practice is being "followed by personnel of the Force "under your supervision, it should "be immediately discontinued and I "would instruct that you let me have "a report verifying or denying such

"policy on the part of our personnel.

"I would instruct, that you let me

"have a reply by return mail."

And the following day, you sent this letter, May 9, re Army, Navy and Air Force Veterans Club # 327, directed to the Commissioner, Ontario Provincial Police.

"I wish to acknowledge

"receiving your directive, Sir,

"date of the 8th instant concerning

"the above, and to advise, Sir, that

"following our telephone conversation

"in this connection, I immediately

"proceeded to Essex, and there,

"personally, consulted with Corporal

"H.N. Graham, who together with Prov.

"Const.L.O. McKenzie, of our Essex

"Detachment, have been assigned

"observation duty on the marginally

"named club.

"I was positively assured by

"Corporal Graham, that the accusations

"complained of by Mr. Herman, solicitor

"of the club, with respect to state-

"ments having been made by our personnel

"to occupants of autos entering the

"Club, have never been made.

"On one occasion, on checking

"an auto leaving the Club, with

"defective lights, Prov.Const.L.O.McKenzie

"did ask theriver, 'Why hisvisit to
"the Club was so short?' The
"driver replied, 'When the man on
"the Gate said - Don't go in, we
"never questioned him.' This was
"the one and only occasion that
"Corporal Graham could reasll that
"any reference was made to the club
"or regarding visits to the Club
"by Provincial Police personnel
"assigned for observation on the
"checking of vehicles entering or
"leaving the Club."

Q. And that letter was sent out by you?

A. That's right.

MR. HOGG: I wonder if these two letters could be entered as an exhibit, as I wish to -- Mr. Herman might be questioned on the contents of these later.

---EXHIBIT NO. 151-A: Letter dated May 8th,1957 from E.V.McNeill to the District Inspector, O.P.P.

---EXHIBIT NO. 151-B: Letter dated May 9th,1957, from Inspector Ramsbottom, to the Commissioner,O.P.P.

MR. HOGG: Q. Did Mr. Herman ever contact you personally, or were his complaints made through the Deputy Commissioner Bartlett, or the Attorney-General's Department?

A. Mr. Herman never contacted me

personally.

Q. Did you ever learn where he got this erroneous information from?

A. I assume it came from the operators. It was their strategy to kill police initiative. This was in the discussion with the Commissioner, and he agreed with me that the reason the complaints were made was to kill police initiative.

THE COMMISSIONER: What is the date of that letter?

MR. HOGG: That was May 8th and 9th, Mr. Commissioner.

Q. Now were you at a meeting, or did you have any knowledge of a meeting on July 12th?

A. No, sir.

Q. Now, I show you a letter of July 12th, apparently an original, to Sergeant J. H. Hatch, Essex Detachment, re Army, Navy & Air Force Veterans Club. This is July 12th, 1957, and it is from Chatham Headquarters;

"In this connection, at 11:00 "a.m. July 12, 1957, I received a "telephone call from Assistant "Commissioner James Bartlett reporting "a change in policy to be followed "by the officers assigned to observation "duty on the above noted club as "follows:

"... Until further advised from "G.H.Q., Toronto, officers of Essex "Detachment will not maintain "constant observation on or take "names of persons entering the "above noted club. Instead "officers of Essex Detachment will "make periodic observations on the "club and if traffic or conditions "warrant a search, same will be "effected by Essex Detachment.

"... Your weekly report of July "18th should record this change in "policy, effective July 12, 1957.

"... When I hear anything further "I will advise you. I expect the "above noted telephone call will be "confirmed by letter."

Q. Now, was there a meeting in Toronto that you were aware of that Bartlett attended at ten o'clock?

A. Not to my knowledge, sir. There could have been, I wouldn't know in Toronto. I received a phone call from him, and that was it.

MR. HOGG: That will be entered as the next ~~sbx~~ exhibit.

THE COMMISSIONER: Exhibit 152 ---

Exhibit No. 152: Letter dated July 12th,1957, from Inspector Ramsbottom to Sergeant J.H. Hatch.

MR. WILSON: Where did that come from?

MR. HOGG: It came from a file which we have, from Sergeant Hatch, who was looking at it and requested --

THE COMMISSIONER: Mr. Hogg, there is no objection.

MR. WILSON: No, I just wanted to make sure.

MR. HOGG: Q. Did Bartlett advise you that there had just been a meeting, Inspector?

A. No, sir.

Q. Now did you know Sergeant Jack Clark, and if so, who was he? Staff Sergeant Clark.

A. Yes.

Q. Who was he, sir?

A. Clark, was that not Robert Clark?

Q. It might be. Do you have a Staff Sergeant Clark with you?

A. Not now.

Q. He is dead, I believe?

A. He is dead, but he was a sergeant, and when Sergeant Hatch came there he went to Peterborough as a Staff Sergeant.

Q. And prior to Hatch's arrival, had you ever discussed the club with Clark?

A. I don't recall anydiscussion, sir.

Q. One or two last things. In your meeting with Commissioner McNeill, in regard

to Inspector Stringer, did Commissioner McNeill advise you of any activities of Inspector Stringer had become involved in?

A. He did relate some problem. I didn't pay too much attention., I knew that the Commissioner was upset.

Q. What were these problems?

A. Well, it was not the first time that that had happened. Now I don't know -- then he related back other things similar, about, well, the first thing ---

Q. I would like to explore those a little bit, Inspector. Is that the first time this sort of thing happened?

A. That is correct.

Q. And then he related some other occasions of a similar nature?

A. That's right, interfering with getting men transferred or something like that, things that didn't concern him. I just didn't follow it all, he was just talking away.

Q. Are you able to indicate any specific incidents?

A. No, I couldn't.

Q. Anything about a gold mine mentioned to you?

A. Could have been mentioned.

Q. Selling a gold mine?

A. He talked about his activities, now,

I don't know. They were many, and I don't know just what they are.

Q. They were many?

A. They were many.

MR. HOGG: Thank you, sir.

THE COMMISSIONER: Mr. Brewin.

EXAMINED BY MR. BREWIN:

Q. Mr. Ramsbottom, at the meeting on July 9th, the subject of keeping this informant's name carefully, was discussed, as you have already told us, and I think Inspector Hatch went so far as to say that the life of the informant might bem in danger if there were any question of his name getting out. Is that right?

A. That was mentioned, yes.

Q. Yes, and I think you said that Mr. Common said, their request not to report the name was a proper and reasonable request?

A. Yes.

Q. That is right, isn't it?

A. Yes.

Q. And I think you said that someone else agreed with that, I forget who it was, and the Commissioner eventually ---

A. That's correct.

Q. And that was eventually the decision of the group, that the request that the name be kept to Inspector Hatch, and I think you knew it already, and that request was accepted and agreed on?

A. Yes.

Q. Then can you explain, do you know what this reference was, you say, that after the meeting, after the meeting closed and that decision had been made, Bartlett spoke to Hatch and said, "What have you got" or "Who have you got". Did you understand at that time what he was referring to, was he referring to this informant?

A. It was clear enough to me that he was trying to find out what the Sergeant had and what he had as access.

Q. In regard to the question, "who have you got?", you don't know of any other question that could refer to the exact name of the informant ---

THE COMMISSIONER: Was it not a question of "Who have you got?"?

MR. BREWIN: He said both, "What have you got?", or "Who have you got?".

A. It could be either one, I am not too sure.

MR. BREWIN: Q. But it related to the secret information in regard to the informer

on this club, did it not?

A. I think we said we had the club on the run. If we were successful inthe use of this informer, and we had by way of evidence, it could include - when he said, "What have you got?", it could include more detail when it was got, but this was the only thing that was emphasized, that the name should be kept confidential.

Q. That was the only subject matter that he could have been inquiring into?

A. That is what I thought.

Q. After the meeting, you decided not to make that public to anybody, not even to hand it on to the Commissioner or the Attorney-General's Department?

A. That's right.

Q. Or the Crown Attorney, I believe it was mentioned. Is that right?

A. I think so.

Q. Well, what right had Bartlett to get this information, do you know?

A. He might have had some personal reason, but it sounded silly to me, it sounded as if we were being treated, or the Sergeant was being treated as a kid, for him to come along and ask for any information that he might pry out of him - I don't know.

Q. Well, you had just decided for rather grave reasons, the possible danger to

the life of the informer, not to hand on that information to anybody?

A. Yes.

Q. Were you not shocked when Bartlett asked immediately after that decision for this information?

A. I would be a little shocked.

Q. You were a little shocked? I would think so, and did you recall how I suppose Inspector Hatch was in a junior or subordinate position, so far as he, Bartlett, was then a Deputy Commissioner, was he?

A. Assistant Commissioner.

Q. Well, he was definitely in a junior or subordinate position?

A. That's right.

Q. Do you recall how he answered this request for further information?

A. Well, he answered it, quite - he just sort of shrugged it off, and that was the sort of answer he gave him.

Q. Did you have any occasion that you know of, when Bartlett seemed to pestering you for information about this Roseland Club?

A. No, sir.

MR. PRUWIN: That is all.

THE COMMISSIONER: Mr. Rose is not here. Mr. Wilson, are there any more questions?

MR. WILSON: No, sir.

THE COMMISSIONER: Thank you.

---The witness withdrew.

---Whereupon the hearing adjourned at 5:00 p.m. until Wednesday, May 16, 1962, at 10:00 a.m.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

THE STERLING TRUSTS CORPORATION,
Executor of The Last Will and
Testament of Dorothy Margaret Brown,
late of the Town of Trenton, in the
County of Hastings, Deceased, and
WILLIAM JOHN BROWN,

Plaintiffs,

- and -

HENRY POSTMA, FRED A. LITTLE and
FREDERICK H. LITTLE,

Defendants.

AND BETWEEN:

THE STERLING TRUSTS CORPORATION,
Executor of The Last Will and
Testament of Dorothy Margaret Brown,
late of the Town of Trenton,
in the County of Hastings, Deceased,
and WILLIAM JOHN BROWN,

Plaintiffs,

- and -

HENRY POSTMA, OLIVE RUSSELL LITTLE,
Executrix of the Estate of
Fred A. Little, and FREDERICK H. LITTLE,

Defendants.

AND BETWEEN:

THE ATTORNEY GENERAL OF CANADA,

Plaintiff,

- and -

HENRY POSTMA, FRED A LITTLE and
FREDERICK H. LITTLE,

Defendants.

TRANSCRIPTION BY MEMBER

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Volume No. 24

Royal Commission on Crime,

Wednesday May 16/62.

P. 4923 —— 5129.

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Defendants.

AND BETWEEN:

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THE ATTORNEY GENERAL OF CANADA,

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Defendants.

TRANSCRIPTION BY MEMBER

VOLUME 24

INDEX OF WITNESSES

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ERRATA

(Volume 23, May 15, 1961)

Page 4903

Line 14 - Read "The Commissioner" for "Mr. Hogg"

Line 15 - Read "Mr. Hogg" before "Q."

1/AS

WEDNESDAY, MAY 16TH, 1962

---On resuming at 10:10 o'clock a.m.

MR. BREWIN: Mr. Commissioner, before we proceed with the evidence, I should like to make a few observations, if I may.

THE COMMISSIONER: Certainly.

MR. BREWIN: Mr. Commissioner, I was not here yesterday, when my friend Mr. Common raised a matter, and made some observations. Since then I have had an opportunity to discuss the matter raised by Mr. Common, and your own observations about Mr. MacDonald; and Mr. MacDonald has asked me to make clear his respect for this Commission and his desire to assist it in any way in his power. He has not commented on the evidence before this Commission and does not propose to do so; he is, however -- and I have to make it clear, respectfully -- firmly of the view that as a Member of the Legislature he reserves the right to comment, as he sees fit, and on his responsibility as a Member of the Legislature, on the conduct of public officials.

He will seek to exercise this right in a way that will avoid embarrassment to you in the carrying out of your difficult task.

So far as the position of my friend Mr. Common, and Mr. Wilson, is concerned, I

GENERAL INSTRUCTIONS

--On resuming at 10:10 o'clock p.m.

MR. BRUNER: Mr. Commissioner, before we proceed with the evidence, I should like to make a few observations, if I may.

[illegible]--T.

MR. BRUNER: Mr. Commissioner, I was not here yesterday, when my friend Mr. Common raised a matter, and made some observations. Since then I have had an opportunity to discuss the matter raised by Mr. Common, and your own observations about Mr. McDonald and Mr. Innocenti has raised in my mind a very serious concern for this Commission and for justice to secure it in my view in this power. It has not commenced on the evidence before this Commission and even not proposes to do so. He is, however -- and I have to move it clear, accordingly -- family of the view that as a member of the Legislature he reserves the right to comment, as he sees fit, and on his responsibility as a member of the Legislature, on the conduct of public officials.

He will seek to convince this court in a way that will avoid embarrassment to you in the carrying out of your difficult task.

So far as the position of my friend Mr. Common, and Mr. Milson, is concerned, I

do not think anything could be gained by re-hashing any minor differences we may have.

I just want to make it clear that Mr. MacDonald intended no personal reflection either on Mr. Common or on Mr. Wilson.

While I am on my feet, there is another matter I should like to raise.

THE COMMISSIONER: Are you through with that particular matter?

MR. BREWIN: Yes.

THE COMMISSIONER: If you are through, there is something I want to say.

I am not at all certain that I made my position clear yesterday.

It is just a bit distressing to me to read that from one political platform the statement is made to the effect that I am here engaged in something resembling an obstacle race; that obstacles being placed before me, that it is bound to affect the result of this investigation, or likely to do so, and then from another political platform to read that it is suggested that I should not be here at all: That this is not the way to deal with the matters that gave rise to the creation of the Commission. That is what I meant when I said yesterday or when I spoke of this Commission being used as a sort of political football.

I have a job to do, and I will do the

best I can, but observations such as I have just referred to are, to put it mildly, distressing to me; and I plead with those who have done so up to date, that they desist from doing so, and leave me to do the job as best I can. When I am all through, and I have written my report, then anybody who chooses can examine it and dissect it, and pull it to pieces. And they can deal with it in any way that they like. But in the meantime, just leave me alone, and let me do my work.

I hope I have made it perfectly clear; and that I will not have to raise the subject again.

MR. BREWIN: And I hope I have made it clear that Members of the Legislature have their own responsibilities, and they have to discharge them as they see fit.

Your observations will be conveyed to the gentlemen I am in touch with, and I hope your observations will also be conveyed to gentlemen other people here are in touch with.

THE COMMISSIONER: Thank you, Mr. Brewin.

Now, is there any other matter you wish to raise at this time?

MR. BREWIN: Yes. You will remember that some days ago I requested, when Sergeant Anderson was being examined in respect of an item in his diary of 1962, the exact date escapes

my mind, that it was suggested that Chief Constable McGill be recalled in connection with that item. I notice that Chief Constable McGill has been talked about; I spoke to my friend Mr. Wilson, who informed me that at this stage it was not intended to recall the Chief Constable, and I have mentioned this to you.

THE COMMISSIONER: Yesterday.

MR. BREWIN: I am now saying, I do not want to press the application at this stage, but I do want to remind you, sir, that in our view Chief Constable McGill should be recalled. I do not want to ask for a ruling on the matter now, but I would ask your consideration; and if there is any doubt about it, I will be glad to make the submissions in respect of that.

THE COMMISSIONER: Thank you.

Mr. Wilson?

MR. WILSON: I call Mr. Gordon Ford.

GORDON WINFIELD FORD, Q.C., sworn

EXAMINED BY MR. WILSON:

Q. You are a practising barrister in the City of Toronto?

A. I am, Mr. Wilson.

Q. Of some years' standing?

A. I was called in 1934 and apart from the war years, have been practising since.

Q. You were retained by the Attorney-General of this Province to prosecute on behalf of the Crown a case against Joseph P. McDermott, Vincent B. Feeley and Robert J. Wright?

A. I was.

Q. And approximately when were you retained in that connection?

A. My recollection, Mr. Wilson, is that I first received a call from the Director, Mr. Bowman, about the 28th of February, inquiring as to whether I would be free to act; my only queries were by reason of the fact that I was informed that the preliminary was commencing, I believe on March 21st, and once the briefs got to me it might be a matter of two weeks. As a result of that, I inquired as to who was in charge of the case, on which I was being retained by reason of the necessity of change of counsel, and when I found that now Chief Inspector Graham was

in charge of the case - for whom then and now I have the greatest respect and confidence - I said if he were preparing the brief I felt I could prepare it. I guess I was officially retained, in answer to your question, perhaps the 3rd of March.

Q. And following the preliminary hearing, the matter proceeded to trial, as I recollect, on one count?

A. On the first count of conspiracy to bribe.

Q. And that, as I have it before me, was count 1; that is, between the first day of January, 1960, and the first day of July, 1960, in the Province of Ontario, they unlawfully agreed and conspired together to commit an indictable offence under Section 101-B of the Criminal Code of Canada, by corruptly giving money to George Scott, a peace officer of the Ontario Provincial Police Force, with intent that the said George Scott should interfere with the administration of justice, contrary to the Criminal Code of Canada, Section 408-1-D; and that was the charge that was proceeded with?

A. That is the one that was proceeded with, Mr. Wilson.

Q. And the trial took place before the Honourable Mr. Justice Spence?

A. That is right.

Q. And a jury?

A. That is right.

Q. At Toronto.

A. That is true. In the Supreme Court Assizes.

Q. And in the course of that trial references were made, and evidence was introduced, to what we know here as the Scott report, the George Scott report that has been filed as Exhibit No.61. Could I have Exhibit No.61, and show it to the witness (indicating).

A. (Looking at document)

THE COMMISSIONER:Q.That is the report?

A. Yes, Mr. Commissioner. It was not my recollection that this was filed as an exhibit.

MR. WILSON: Q. I just wanted to be clear about that. I just want to know the extent that use was made of that, in the court, of the presentation of the Crown's case.

A. Well, Mr. Wilson, it is my recollection without refreshing myself from the evidence that these reports were made available to Scott, and to refresh his memory, as well as his diary. It is not at the moment my recollection that they were filed as exhibits. I believe they were also available to defence counsel, or copies of them.

Q. Possibly we should have Constable

George Scott's diary for that year, which would be 1960. Would you show that to the witness, please.

---Whereupon the Registrar indicated a document to the witness.

THE WITNESS: The Scott originals, produced to me, Mr. Commissioner, it is certainly my recollection that these were Scott's original reports that were available to me, and available to him - I do not mean to equivocate, but it is a little difficult to say whether or not any of these were filed. That is a matter of record. I do not think they were. But they were all available to him.

THE COMMISSIONER: Q. Mr. Wilson's question was, that reference was made to the reports; that is so?

A. Yes, my lord.

Q. And also to his diary?

A. Yes, my lord - Mr. Commissioner. The witness had the diary which is before me for purposes of refreshing his memory throughout his evidence. I am referring to what I know appears to be now Exhibit 89 before this Commission.

MR. WILSON: Q. Now, I want to refer to a speech given by Mr. J.J. Wintermeyer in the Legislature on November 29th, 1961, a copy

George Scott's diary for that year, which
was in Table. Would you then say he was
alcoholic, please.

—Proceeding the Inquiry adjourned a
thousand in ten minutes.

THE MINISTER: The Scott original,
produced to me, Mr. Commissioner, it is
necessary to mention that Scott's
Scott's original reports that were available to
me, and available to him - I do not mean to
equivocate, but it is a little difficult
to say whether or not any of them were lost.
That is a matter of record. I do not know
what were. But they were all available
to him.

MR. [illegible] Q. W. MILLER:
question was, that reference was made to an
important; does it not?

A. Yes, my lord.

Q. And also to his diary?

A. Yes, my lord - Mr. Commissioner.
The witness had the diary which is before me.
The purpose of introducing the diary [illegible]
his evidence. I am referring to page 1
lines appears to be non [illegible] by better than
[illegible].

MR. MILLER: Q. Now, I want to refer
to a memo given by Mr. [illegible] Commissioner in
the Legislature on January [illegible], 1951, a copy

of which has been filed as Exhibit 3 here.

And at page 102 ---

THE COMMISSIONER: May I see it, please?

MR. WILSON: And in the first column on page 102, the third paragraph, we have:

" Now, Mr. Speaker, I have "said there has been evidence given "in court on all these matters I "have listed. The hon.Attorney-"General and others may say it is "hearsay evidence. I agree with "him, and I will deal with that "point in a moment. Before I do, "however, I wish to give the House "some information which has not "been given in court.

" As most hon.members may know, "most of the matters I have just "enumerated result from an under-"cover investigation by Constable "George Scott of the anti-gambling "squad of the Ontario Provincial "police, who was instructed by "his superiors to accept a proposition "from Robert J. Wright that he supply "warnings about raids and other "information on the activities of "the anti-gambling squad to certain "gamblers, who were later identified "as Vincent Feeley and Joseph McDermott.

" Constable Scott, as is
"customary, kept an official diary
"of that undercover investigation
"and also supplied progress reports,
"directly to Assistant Commissioner
"Kennedy and Commissioner W.H.Clark
"who we may assume kept the hon.
"Attorney-General informed.
"Constable Scott's diary was not
"submitted in evidence at the trial
"of Wright, Feeley and McDermott,
"but because it formed the basis
"of the Crown's case, copies were
"supplied to the three defence
"counsel. Mr. Speaker, most of
"the entries in the diary came out in
"court, but some did not. I shall
"read the relevant items which were
"left out, omitting the names of the
"individuals concerned.
" An entry on February 29, 1960,
"reported that Wright told Scott and
"I quote:
" 'Said the fix was in at
" Queen's Park, re cancellation
" of the Vets Club charter.'
" An entry concerning a phone
"call on May 14, 1960, reported that
"McDermott told Scott:
" 'May have inspector bribed at

" 'St.Kitts,' and 'Intimated -
" (and here the name of a senior
" official of the department of
" the hon.Attorney-General) - on
" payroll. Said to ask - (and
" again the name of the official)
" - something and I'll tell you
" what he has said the next day.'
" The entry for this date further
"reported when McDermott 'Talked about
"the branch being stopped from using
"hammers at Cooksville and being told
"to time the door.' Another entry
"dated May 16, 1960, said:
" 'Bartlett received money from
" McDermott for telling when
" warrants were signed. Received
" $2,000 once at a party with -- '
" And then a member of a previous
"government is named.
" An entry concerning a meeting
"of Scott, Wright and Lawrence on
"May 17, 1961 reported that Lawrence
"said senior offical of the hon.
"Attorney-General's department was
"receiving $300 a month from the
"gamblers.
" Mr. Speaker, why were these
"entries in Constable Scott's diary
"not introduced in evidence? No

"doubt the hon.Attorney-General
"may say it was all hearsay evidence,
"but not the sort of thing to be
"read in court without the support
"of other evidence. Why then, Mr.
"Speaker, were many of the matters
"which I have given to this House read
"into evidence? Most of them, the
"references to Lawrence, to Lamoris,
"to Cronin, to Bartlett, and so on,
"were on the same legal footing
"as the references which were not
"disclosed. The references to
"Stringer and to Wright were
"substantiated by other evidence
"but the remainder were not. Why
"then were some put in and others
"not?"

Now, having in mind the statements made by Mr. Wintermeyer about the inclusion of certain information based on the diary entries, and the fact that certain other information contained in the diary, or information contained in the diary was not referred to in the trial, will you tell us upon what basis you, as Crown counsel, proceeded to deal with the introduction of such parts of the diary notations, or evidence based on these introductions, as was received in evidence.

A. Well, first, Mr. Wilson, if it

is not clear, the decision as to what evidence must have been introduced and how it was to be introduced in the planning of the Crown's case, before that at the preliminary and the trial, was my decision; and it was then my responsibility and it is now my responsibility.

As to the various references that you have read to me, first my recollection ---

MR. WILSON: I wonder if the witness could have an extract; an extra copy.

THE WITNESS: It might be helpful.

First, my recollection is concurrent with the statements there, that these references ---

MR. WILSON: Q. Just a moment. Page 102.

A. Page 102?

Q. Do I understand that any decision as to what part of - what use would be made of the diary, or the reports, was your sole decision?

A. It was my sole decision and my responsibility then and now, as to what evidence should be introduced. I mean, with respect to the Court, subject to the rulings of the Court, as to what evidence should be tendered at the preliminary and at the trial.

Q. And in arriving at your decision, did you discuss the matter with any of the members of the senior legal personnel of the Attorney-General's Department?

A. May I preface it by this comment, Mr. Wilson: This is not the first time that I have been appointed as special Crown prosecutor, and to the best of my recollection, on each and every occasion that I have been appointed, I have regarded as my responsibility to consider the evidence, to plan the Crown's case; to decide on the plan and scope of the Crown's case, and as
A/3 to what ought to be introduced. To the best of my recollection I have never sought advice, once I was retained as special Crown counsel, or given directions. There is no exception here, except, in answer specifically to your question, Mr. Wilson, between the preliminary and the trial.

First, I should say as far as the preliminary was concerned, the question of what evidence would be tendered and not be tendered was not discussed by me with anyone in the Attorney-General's Department. The decisions were made by me, and as I recollect it, communicated only to the witness Scott, who would be giving evidence, as to my views on relevancy, and to Chief Inspector Graham.

Following the preliminary which, as I recollect it, completed - it started on the first day of spring, I remember that. The 21st of March. And I think it went towards the end of March, within the week. So, perhaps

some time in April I did ask, not for advice, but for a report or investigation with respect to three or four matters that had been referred to at the preliminary. And those investigations or reports, as I understand it, were carried out and reported to me.

Then it was - it was my decision, and mine alone, as to what should be introduced at the trial.

Q. In other words, no person in the Attorney-General's Department told you what evidence was to go in, or what evidence was not to be introduced?

A. Yes.

Q. In this case.

A. That is certainly correct.

Q. And during the course of the trial before Mr. Justice Spence, I understand there was certain evidence based on this diary - on these diary entries - which was the subject of argument and a ruling by the trial Judge.

A. Mr. Wilson, yes; there were a large number of such matters. At the commencement of the trial it is my recollection that there was sort of a blanket objection raised.

Q. I do not think we need to go into that.

A. There were a number of ---

some time in April I did ask, not for notes, but for a report on investigations also carried on at Mars on that subject. [illegible] referred to at the Parliament. [illegible] investigations or reports, so I concluded it, were carried out and reported to me.

[illegible] Mr Ian - It was my decision, and mine alone, so to that should be introduced as the [illegible].

G. In other words, to return to the Attorney-General's Department and you [illegible] [illegible] [illegible] [illegible]?

A. Yes.

Q. In this case.

A. That is correct, [illegible].

Q. And having the phone at the [illegible] Mr. Justice Hoare, I understand there was certain evidence based on this diary - on these diary entries - which was the subject of argument and a ruling by the [illegible] judge.

A. Yes, [illegible], [illegible] a large number of such matters. As the [illegible] of the trial it is my understanding that there was some of a [illegible] objection [illegible].

Q. I do not think we need go into that.

A. [illegible] [illegible] [illegible]

Q. Now, you did as a matter of fact, following the trial, with the assistance of a transcript of the evidence of the trial, prepare a memorandum?

A. Yes.

Q. Headed, "Re Regina vs. Wright, McDermott and Feeley. Memorandum re Objections of Admissibility of Evidence at First Trial", and I think this is a photostat of the report prepared by you.

A. Yes. I was requested to do that, and this is a photostatic copy of the - with the exception of my signature, which I am sure was on the original - and here would not come out because of the ballpoint pen. But this is a copy of the memorandum I prepared under date of April 22nd, as to objections to admissibility of evidence at trial.

MR. WILSON: That will be Exhibit No. ---

THE REGISTRAR: 153.

---EXHIBIT NO. 153: Memorandum of Objections to Evidence at Trial, re McDermott, Feeley and Wright.

MR. WILSON: On page 3, part 4 ---

THE COMMISSIONER: Have you got a copy?

MR. WILSON: I have only got one copy. I am not going to deal with it extensively, Mr. Commissioner.

THE WITNESS: It is in as an exhibit?

MR. WILSON: I will have copies of it shortly; unfortunately they are not here at the moment.

THE COMMISIONER: That is Exhibit what?

MR. WILSON: 153.

Q. Part 4 is headed, "Objections by Wright to Scott in Diary Reference of April 21st,1961, as to McDermott's trip to Jones --"

A. James.

Q. It says Jones here.

A. It was certainly James Bay.

Q. And then follows, as Part 5, 6 -- 5 and 6 are also objections in regard to further references of a similar character. And I simply put that in to indicate the nature of the objections, and the rulings made by the trial Judge.

(Page 4950 follows)

THE PRESIDENT: It is in as an admission.

MR. GILSON: I will now resume at 2.15 strictly instructed that one must keep to the moment.

THE PRESIDENT: That is Counsel's duty.

(M. VIGNON: 153).

M. Pari 5 is based, "Relations of Japan to Europe to Great Britain Reference of Japan 1921, as to Lansdowne's trip to Tokyo --"

A. Tokyo.

Q. It was Tokyo then.

A. It was certainly Tokyo 1921.

Q. And then follows, as Pari 5, 6 -- 5 and 6 are also objections in regard to further references of a similar character, and I simply put them in to indicate the nature of two objections, and the relevant case by the Naval Judge.

(Page 5426 follows)

MR. WILSON: Q. Now, coming back to the reference in the speech of Mr. Wintermeyer, of the parts that were not put in. He, at page 102, in the second column at the top, lists the ones that I read a few moments ago as examples of the type of evidence which he said -- or, type of entry which he said were not referred to in evidence. Now, what comment have you to make on this?

A. You mean, as to why I did not tender them, Mr. Wilson?

Q. Yes.

A. Those were neither tendered at the preliminary or at the trial. The decision was mine. Counsel considered that these were irrelevant and inadmissible and much too generous and scandalous to be introduced. It is not this counsel's policy to attempt to introduce something which may be helpful to the Crown if he considers it is not proper to be introducing it or if it is not relevant or admissible.

Q. And that was your decision and your decision alone?

A. That was my decision and my responsibility.

Q. Now, the jury acquitted the accused on this count?

A. They did.

Q. And, following the acquittal, you made certain recommendations as to appeal

originally, or immediately following the acquittal?

A. Yes, almost immediately, Mr. Wilson. I realize that may have been a little bit impetuous from the standpoint of counsel but my recommendations were made generally as to an appeal, certainly, within a matter of a few days following the verdict.

Q. Then, you obtained, I take it, a copy of the transcript of the evidence -- Or, did you make any further --

A. Yes.

Q. Did you make any further or other decisions before you obtained a copy of the transcript of the evidence in respect to the appeal?

A. I advised the Attorney General's Department that, in view of circumstances that had come to my attention, that there ought to be an investigation of alleged circumstances that might amount to an attempt to bribe one of the jurors. So, there was a jury investigation, if you may refer to it that way, with reference to those charges, or possible charges. A charge was laid, I advised someone else should prosecute it. I believe it was dealt with by the Crown Attorney of the City of Toronto, or one of his assistants. The accused was acquitted.

Prior to the trial I believe a charge had -- almost certainly before the trial a charge

had been laid out Cooksville way or New Toronto of attempted bribery of a witness -- of a Crown witness. That was -- on my advice, as I recall it, that was properly deferred until following the trial and, subsequently, I believe the Crown Attorney in New Toronto withdrew that charge. I was not acting.

Apart from these developments and the information obtained from them, no doubt -- Certainly, it was my practice, and no doubt it was here, no doubt the transcript of the learned trial judge's charge to the jury was ordered. I don't recall at the moment, Mr. Wilson, whether that was available to me. We cannot always get those in a day or two, as I recall. The evidence which was ordered was not available until perhaps November, 1961.

Does that answer your question?

Q. As I understand it, you later recommended to the Attorney General that the appeal not be proceeded with?

A. Oh, yes, that is right. But, that was after I had obtained the transcript of evidence, which was sometime late last fall, and that was -- Well, it was in writing, Mr. Wilson. Perhaps the third or -- my recollection is the ~~xx~~ 3rd of February of this year.

Q. I believe it was in February of this year that you --

A. That is right.

Q. -- you wrote to the Attorney General's Department and gave your considered opinion on the matter of an appeal and recommended against proceeding with it?

A. Yes, Mr. Wilson. As I recollect we recommended they proceed on one or more of the other counts, as advised.

Q. Have you a copy of that letter that you wrote to the Attorney General's Department?

A. Yes.

Q. I would like to file a copy of it.

A. I understood it should be here. I have my office copy, Mr. Wilson.

Q. Well, possibly I could put in this copy (indicating).

A. I brought this down this morning. My memory is not that accurate; it is February the 5th, not February the 3rd. There is also a second letter of February the 7th, on a supplementary point. I have no objection --

Q. You can keep that if this (indicating) is a true copy. Would you just look at it?

A. Yes. I presume I may have sent it in duplicate. That certainly is a true copy of the original report.

MR. WILSON: That will be an exhibit. It is a copy of a letter dated February the 5th, 1962, from Gordon W.Ford to W.B.Common, Q.C.,

Deputy Attorney General.

THE REGISTRAR: Number 154.

THE WITNESS: That was supplemented by one of February the 7th, Mr. Wilson.

MR. WILSON: I do not appear to have a copy of the one of February the 7th. Possibly we could file your copy of that.

THE COMMISSIONER: Well, put them together as one exhibit.

MR. WILSON: Yes, one exhibit, A and B. This is a copy of the further letter of February the 7th.

---EXHIBIT NO.154:(A) Copy of letter dated 5th February, 1962, from Gordon W.Ford to W.B.Common, Q.C., Deputy Attorney General.
(B) Copy of letter dated 7th February, 1962, from Gordon W.Ford to W.B. Common, Q.C., Deputy Attorney General.

THE COMMISSIONER: Q. The Notice of Appeal had been given, hadn't it?

A. Yes, Mr. Commissioner. Notice of Appeal was filed -- it was served, perhaps, on the 30th of June, and filed within a day or two thereafter.

Then, following the opinion I gave to the Attorney General, I was instructed to abandon the appeal. Notice of Abandonment was filed and the appeal was dismissed.

MR. WILSON: Q. Whose decision was it

to not proceed with the appeal?

A. It was my decision. It was my decision that wrote that letter.

Q. What I possibly --

A. I can't say whose decision it was that accepted my opinion and instructed me to abandon it.

Q. Did any of the senior legal personnel in the Attorney General's Department attempt to influence you in any way on any of your acts in connection with this proposed appeal?

A. No, sir, Mr. Wilson. I am not aware of anyone in all those who have instructed me who had attempted to influence me, if you mean influence me improperly.

Q. Well, the terms of reference here deal with improper relations, dealing with influence of one kind or another?

A. No; that decision was mine. That is, the decision which led to the recommendation was mine. I think that I was informed by Mr. Common, by perhaps a telephone call, that my decision was being accepted.

B/2 Prior to my coming to that conclusion I believe Mr. Common had suggested to me the possibility of another ground of appeal, and of course quite properly. It was a matter I ought to have considered, and I did consider it, but I have not referred to it in my letter of February the 5th, and that is the subject matter

of my letter of February the 7th. In other words, saying, respectfully, in my opinion that I had considered this possible grounds - that was as to rejection of evidence, Mr. Commissioner - and my opinion, under all the circumstances, was that it was not a ground that would likely succeed in the Court of Appeal.

Q. You have over the years, acted as counsel for the Crown at the request of the Attorney General's Department in this Province on various occasions?

A. Yes, I have acted in both -- under instructions of the Minister of Justice, to the Attorney General, and as special prosecutor in Ontario cases on the instructions of the Attorney General's Department.

Q. Restricting it solely to matters you have acted forthe Crown on the instructions of the Attorney General's Department in the Province, have you any knowledge of any improper action on the part of any of the legal personnel of that Department involving the termination of any investigations you were making?

A. No, sir, I have none. Normally, of course, counsel, as you know, Mr. Wilson, is normally retained after investigations have been completed.

Q. I appreciate that. I am using the terms of the reference for the moment.

A. No, absolutely not.

of my letter of February 6th 7th. Therefore
merely replies, correspondingly, that my letter
was published this morning. I then ex-
as to rejection of evidence, Mr. Gunderson -
for my opinion, [illegible]
has that he was not a ground that would likely
succeed in the Court of Appeal.

Q. You have over the years
acted as counsel for the Crown at the request of
the Attorney General's Department in this Province
or [illegible]

A. Yes, I have acted in both --
under instructions of the Minister of Justice,
to the Attorney General, and as special prosecutor
in certain cases on the instructions of the
Attorney General's Department.

Q. Bearing in mind the
matters you have acted [illegible] the investigations
of the Attorney General's Department in the
[illegible], have you any knowledge of any improper
action on the part of any of the local government
of that department involving the commission
of any investigations you were making?

A. No, sir, I have none. Normally,
of course, counsel, as you know, Mr. Gibson, is
normally retained after investigations have been
completed.

Q. I appreciate that. I am using
the words of the [illegible] you [illegible].

A. [illegible]

Q. Again, using the terms of reference as given in the second section, have you ever had any experience of any suppression of evidence?

A. May I --

Q. Improper suppression of evidence?

A. From me, as Crown counsel? In all the matters - -

Q. In any of your dealings?

A. None, to my knowledge, Mr. Wilson. On each occasion the brief has been tendered to me, either from the A.G.'s Department or from an inspector of the Provincial Police, and from then on I have carried on. It was my responsibility and I was given a free hand. There was no necessity for referring to the Attorney General's Department as to advice or decision or directions. I am certainly not aware of anything that has been withheld from me. Certainly, I have not been directed at any time as to what should be tendered or what should not be tendered.

Q. Finally, and again using the language of the terms of reference, have you any knowledge of any improper relationships between senior legal personnel of the Attorney General's Department, or any other personnel or persons, with reference to the payment of money or monies?

A. No, Mr. Wilson. I, like a

number of those present, have read a great deal about this matter and I have absolutely no such knowledge, other than the hearsay mferences that are in the various reports, such as the Scott diary.

Q. What has been your own experience of the ethics and practices of the senior legal personnel in the Department of the Attorney General?

A. Well, from my standpoint, I have had no reason to question it in any way. On the contrary, I have the greatest respect for the senior ones with whom I have dealt. I do not mean any m inference as to junior ones but it just has been my fortune to deal with senior ones.

Q. Thank you.

THE COMMISSIONER: Mr. Hogg?

EXAMINATION BY MR. HOGG:

Q. Mr. Ford, you referred to an indictment. Did you draft that indictment?

A. No, Mr. Hogg.

Q. Who was that drafted by?

A. I presume, Mr. Hogg, it was drafted by the present Judge Alec Hall when he was Crown Attorney at Oshawa. I so presume because he was the counsel that had been

appointed to prosecute this matter and it was my understanding this indictment was on his advice, and that he was acting until just before I was appointed. Of course, it is now obvious why he could not act, because he was -- he had unofficially, or officially, as the case may be, been informed of his appointment.

Q. You drafted the indictment, I take it, after the preliminary inquiry and presented it to the Grand Jury?

A. Mr. Hogg, I beg your pardon. I should have recognized there was a charge and an indictment. My remarks were intended to refer to the charge.

THE COMMISSIONER: Q. The original information?

A. The original information. The indictment, as I recall, it followed it more or less verbatim. That was drafted by me and presented by me.

MR. HOGG: Q. In fact, it would be signed by you?

A. Drafted by me and signed by me, and presented to the Grand Jury in April.

Q. You have studied the evidence in this case, obviously?

A. I have read it more than once. I haven't seen it for a month or so.

Q. It was your privilege, should you have seen fit to change the indictment, or

to add any counts that were disclosed by the evidence presented at the preliminary hearing, or in the alternative to get the consent of the presiding judge or of the Attorney General to present additional counts to the Grand Jury. You had the power to deal with the indictment as you saw fit?

A. Well, as you know, Mr. Hogg, -- Yes, there is -- It isn't too often used and, with great respect, for the benefit of the accused, I do not normally feel that anything other than technical changes in an indictment ought to be made after the preliminary. But, certainly as Crown Counsel, I have the right to tender additional charges or to ask for the right to amend them at the -- I saw no need for that.

Q. We have heard Wright was arrested, if I am correct, on May the 28th, 1960, and that McDermott and Feeley were arrested on January the 9th, 1961.

A. That agrees generally with my information, and no doubt you have the records available to you.

Q. In your opinion, Mr.Ford, on May the 8th, (sic) -- On May the 28th, 1960 -- as this is, I know, long before you heard about this matter -- but on May 28th, the date of Wright's arrest --

A. Or May 8th, I think you said.

THE COMMISSIONER: May 28th, I think, is right.

THE WITNESS: May 28th, thank you.

MR. HOGG: Q. Was not there sufficient evidence to warrant the taking out of a warrant for the arrest of McDermott and Feeley?

A. Well, Mr. Hogg, that is a nice question, and the only reason I pause in attempting to consider it is the difficulty, as you appreciate, in trying to distinguish in my mind and my memory as to what evidence was available at that time. Certainly Scott's evidence was available at that time. Certainly Scott's evidence; I do not need to refresh myself on that. His diary and his reports were all available.

Q. I know there were investigations made after the arrest of Wright, but leaving this completely aside, as of May 28th, 1960, was there not, in your opinion, sufficient evidence to warrant the arrest of McDermott and Feeley?

A. Bearing in mind, as you have noted, this is a year before I came into it, but looking back at my recollection of the evidence, Mr. Hogg, to answer your question, I must attempt to distinguish between what evidence was obtained afterwards. My recollection at the moment was that Chief Inspector Graham -- now Chief Inspector Graham was appointed in charge of this investigation just a few days before Wright's arrest, and there certainly was an intensive

investigation thereafter, particularly as I recollect it with reference to the question of telephone calls. I have never, Mr. Hogg, had occasion for considering your question. That would require pretty careful analysis of the evidence. But, my answer generally would be that there would not have been -- my respectful opinion would be that there would not have been sufficient to charge Feeley at that time. Certainly the case against McDermott, as well as Feeley, was considerably strengthened as a result of obtaining the very difficult and interesting chain of circumstantial evidence with reference to these telephone calls. There might have been enough, but one has to be cautious in these cases and just see what evidence there was. There might have been enough re McDermott but not as regards Feeley.

THE CONSTITUENT: Q. On what charge was Wright arrested?

A. He was arrested on a charge -- perhaps I should put it this way --

Q. Just on what charge was he arrested?

A. I was attempting to recollect. It was the bribery charge but whether it was one or three of the substantive charges in the indictment, I don't know. He was arrested on one or more bribery charges which were the substance of the charges in the indictment

indicting Wright, McDermott and Feeley. He was attempting to bribe George Scott in one or two charges which were the substance of, perhaps, counts, three, four and five of the indictment. Subsequently, when McDermott and Feeley were arrested, those charges were not proceeded with. Perhaps they were nolle prossed to my recollection, and a joint charge of conspiracy, the one on which I proceeded, was laid against Wright, Feeley and McDermott, plus three counts of bribery and plus common gaming house.

(Page 4965 follows)

C/1/ON

MR. HOGG: Q. Mr. Ford ---

THE COMMISSIONER: Mr. Wilson, haven't we got the information of the arrest?

MR. HOGG: I was going to ask ---

THE COMMISSIONER: Just a moment, please.

MR. WILSON: I have a copy of a brief here.

THE COMMISSIONER: Is it the information upon which he was arrested?

MR. WILSON: The information upon which he was arrested.

THE COMMISSIONER: The charge against him?

MR. WILSON: I have the list of the various accounts which, I take it, include the original charge.

MR. HOGG: Mr. Commissioner, I wonder if someone could produce the original information, and secondly, the original indictment?

THE COMMISSIONER: That is what I have been trying to get, Mr. Hogg, the information that led to the arrest of Wright.

MR. WILSON: I will have that in a moment, Mr. Commissioner.

MR. HOGG: I might be wrong, Mr. Commissioner, but I would have thought the information would have been made out after his arrest.

THE COMMISSIONER: There would have been a warrant for his arrest, charging him with such-and-such an offence.

MR. HOGG: Yes, and then they would swear out an information.

THE WITNESS: You can't obtain a warrant without an information.

THE COMMISSIONER: You can't get the cart before the horse. The information is laid and the warrant issued for the arrest.

Q. Isn't that the procedure?

A. Certainly, sir. I, of course, was not acting, Mr. Hogg, at this time. But there is no secret about it or mystery about it, except my recollection does not assist me as to whether it was one charge of attempting to bribe George Scott or three, Mr. Commissioner, as appeared in the final indictment. But, in any event, the substance of it was the same as counts 2 -- I am sorry, counts 3, 4 and 5 in the indictment. This charge against Wright alone, attempting to bribe George Scott.

MR. HOGG: I may be wrong, Mr. Commissioner, but I didn't realize one had to have an information prior to issuing a warrant.

THE COMMISSIONER: On what basis do you think a warrant is issued?

MR. HOGG: Application is made to the Justice of the Peace for a warrant, and my information is that most informations are made up and hour or so after.

THE COMMISSIONER: Can you walk into a

Justice of the Peace and say, "I want a warrant to arrest Joe Doe?". You must have some information.

MR. HOGG: As I say, Mr. Commissioner, I may be wrong, but I think that, not nine-tenths, but over half, as far as the courts are concerned, were made out after the arrest of the accused. I may be wrong.

THE COMMISSIONER: Mr. Common is looking at me.

MR. COMMON: It is the most astonishing statement I have ever heard.

THE COMMISSIONER: I beg your pardon?

MR. COMMON: It is the most astonishing statement I have ever heard.

THE COMMISSIONER: Mine or Mr. Hogg's?

MR. COMMON: No,not yours, Mr. Hogg's.

THE WITNESS: I can't really believe Mr. Hogg means that.

MR. HOGG: Q. In any event, there were a couple of counts of conspiracy and then a number of substantiative charges laid against Wright?

A. You are speaking of the charges that led to the indictment?

Q. Yes.

A. That is right. The substantive charges against Wright ---

MR. WILSON: This will maybe help you.

THE COMMISSIONER: Q. What was going on

through my mind, if there was justification for laying an information against Wright, charging him for conspiring with McDermott and Feeley, offhand it would strike me that it would be enough to justify the arrest of Feeley and McDermott. Does that sound sensible to you?

A. I took the question ---

MR. HOGG: That is just the question I was going to ask.

THE WITNESS: If I may, sir. The question put to me on that was, in my opinion, thinking back on the evidence, if I was asked to advise at the end of May, was there sufficient evidence to lay a charge of conspiracy? In my opinion, distinguishing as well as I can at this moment between the evidence that became available after the 28th of May and what is available before, my answer would be there was not sufficient evidence to charge Feeley. There might have been sufficient to charge Wright and McDermott, but at most, it would have depended, to a very great extent, of course, on the evidence of Wright, alone. What came after was of very major significance. There was a chain of circumstantial evidence with relation to phone calls that tied in with McDermott and Feeley.

MR. HOGG: Q. Mr. Ford, if there is

sufficient evidence to justify a Justice of the Peace in issuing a warrant charging 'A' with conspiring with 'B', isn't there, vice versa, enough prima facie evidence to justify a warrant charging 'B' of conspiring with 'A'? Doesn't one follow the other?

A. That is right. My answer was on the assumption it was my understanding, perhaps in error, the original charge against Wright was attempted bribery. I was not acting at that time. I wasn't informed until two weeks after the preliminary.

THE COMMISSIONER: Q. That is why it is important to know what charge upon which he was arrested.

A. And the fact that there was an information laid doesn't mean, necessarily, there was enough evidence to proceed. I suppose it depends on the opinion of counsel.

MR. HOGG: Q. Well, while we are waiting for the information to come, the evidence in part in the possession of the authorities at that time was that Scott had made direct contact with McDermott?

A. That is right.

Q. And improper suggestions, according to Scott, were made by McDermott to him?

A. By Wright and McDermott to him.

Q. In your opinion, Mr.Ford, is that

not sufficient evidence to secure a warrant?

A. I presume you mean not a further warrant, but to proceed with the prosecution. It is this counsel's view that you should not go before a Justice of the Peace to obtain a warrant unless you have an honest belief there is a strong prima facie case and that it ought to be proceeded with, as opposed to another further investigation or some other charge. There was some evidence, yes.

Q. I don't want to go through all the evidence away back at that hearing, but on the basis of the evidence that was available on May 28th, and I am not talking about as far as any other or more thorough investigation Inspector Graham made after, but was there not, in your opinion, a strong prima facie case against Joseph McDermott?

A. There was certainly evidence againstJoseph McDermott as well as against Wright. That depended - yes.

THE COMMISSIONER: Go ahead.

THE WITNESS: That depended, of course, as my recollection serves me, almost entirely on the evidence of Scott. Of course, you and I know, of course, a person can obviously be convicted on the evidence of one person.

MR. HOGG: Q. Yes, no corroboration is required.

A. No corroboration is required, I would have thought. I, of course, was not consulted or in the matter at that time in any way. I would have thought, had I been consulted and those facts placed before me, and there was not a search of the Bell Telephone records, that I would have advised what apparently took place. That is, a search of the Bell Telephone records which led, eventually, to very strong corroborative evidence as far as McDermott was concerned, and also some evidence bringing in Feeley.

But it is a little difficult to say, Mr. Hogg, what counsel would have advised a year before. There was certainly some evidence and I would have thought that a wise -- that wise judgment, knowing that other evidence must be available, such as in this case, records of phone calls, if they got them early enough, I would have thought it would have been a matter of wisdom to have done what they did.

As far as the phone calls were concerned, obviously they wouldn't have been available afterwards. I learned during this case as to how they can be ---

THE COMMISSIONER: We are getting away from the point entirely.

Q. What Mr. Hogg wants to know is, in your opinion, was the information that was

thought sufficient to justify Wright's arrest, also sufficient to justify McDermott's arrest?

A. In May?

Q. At the time Wright was arrested?

A. In May of 1960?

MR. WILSON: The witness has already answered that.

THE COMMISSIONER: I don't know whether he has. He roamed off into something else.

THE WITNESS: I hadn't intended to.

THE COMMISSIONER: I know you hadn't intended to.

THE WITNESS: I hadn't intended to. Bearing in mind I wasn't consulted, and I have to distinguish my mind as to what evidence was available and what was not, but there certainly was evidence, uncorroborated, which, if believed, would be sufficient to produce a prima facie case against McDermott and not, in my opinion, against Feeley.

Although I might add, I would have thought, if I knew, if I had been consulted at that stage, I would have advised them to attempt to get the telephone records.

MR. HOOG: Q. I still don't know what your answer is. Is it "Yes"?

THE COMMISSIONER: I think I do.

THE WITNESS: There was, but it could have been stronger if they waited, and nothing against Feeley, if I recall it.

THE COMMISSIONER: Q. I thought you said there was enough evidence to justify the arrest of McDermott at the time Bright was arrested, but later, further evidence was discovered that supported the original evidence that would have justified McDermott's arrest.

A. And implicated Feeley, sir.

Q. And implicated Feeley. I have got it now condensed, haven't I?

A. Yes, sir.

THE COMMISSIONER: All right.

MR. HOGG: Q. Now, you told us, Mr. Ford, that it was your decision and your decision alone as to what evidence would be presented to the Court?

A. That is right.

Q. And that you did not receive any instruction from anyone in the Attorney-General's Department as to how to proceed?

A. That is right.

Q. Did you discuss these matters with anyone, or the decision that you would be reaching?

A. Yes, Mr. Hogg.

Q. On how many occasions, sir?

A. Well, I think first on the preliminary. The first was prior to the preliminary, two weeks or so, and at that time, once I was retained and accepted the brief, I

did not communicate with the Attorney-General's Department at all. My recollection is that they were not in touch with me. The decision as to what would be introduced and what the witness Scott would be advised, was not considered relevant at the preliminary, was made by me, and Chief -- now Chief Inspector Graham, was informed by me and the witness Scott was informed. Those, to my recollection, were the only ones informed before the preliminary. And re trial, some time in April, Mr. Hogg, if my recollection serves me correctly, following the preliminary and prior to the trial, which was commenced about the end of May, I was in a discussion with the Attorney-General. I believe both Mr. Bowman and Mr. Common, with reference to certain evidence that had been introduced, at the preliminary.

Q. Now, you spoke, Mr. Ford, of some additional evidence that would corroborate the evidence of Scott. That was the search of the Bell Telephone records?

A. Yes.

Q. Now, when was that evidence discovered?

A. Well, Mr. Hogg, I am sorry, I can't answer that, equivocally. I am sure it is all a matter of record. There is no secret about it. This is -- you are speaking

of 1960 when Mr. Alex Hall, I presume, was acting, and I came in the next year and I am sure it is all a matter of record.

Q. This is what strikes me ---

MR. WILSON: I will have a witness, Mr. Commissioner, following this witness, to tell us what happened.

MR. HOGG: Q. McDermott and Feeley, apparently, were not arrested until January the 9th. My understanding is that this additional evidence you told the Commissioner about, that would be corroborative, was found out long in advance of January 9th?

A. I can't say when, Mr. Hogg, but certainly -- I don't know what Mr. Hall, or whoever was over adding him, did; but certainly the existence of it or the possible existence of it would be, I suppose, recognized when Scott made his reports, and it is certainly my recollection, although there is no particular reason for directing my mind to it, Mr. Hogg, it was certainly my recollection, it was my understanding, that the telephone records, or some of them, were obtained considerably before January 9th. I am sorry, I can't say when, but it is a matter of record. What led, on this line of your questioning, Mr. Hogg, what led to either the recognition or the decision of Mr. Hall, or, now Judge Hall, or the enforcement

officers, to lay the charge at that time as opposed to earlier, is not within my knowledge.

But undoubtedly, that corroborative evidence was available some time before and, undoubtedly, quite frankly, the fact that there was that period of time between the arrest of McDermott and Feeley, and the arrest of Wright, was a point I anticipated would be made at trial, and was made at the trial on behalf of the accused.

Q. Between the preliminary and the trial, on a number of occasions did you go to the Attorney-General's Department to go through this evidence and go through the various things?

A. I can't say on a number of occasions, Mr. Hogg. If, by that, you mean more than a couple. I can recall -- I can certainly recall two attendances between - what would it be? The end of March, the preliminary, and towards the end of May, the trial.

Q. What about telephone calls? Attendances by telephone?

A. There was a few. Not many, Mr. Hogg.

Q. Now, there was evidence, there was a statement in Mr. Wintermeyer's speech on page 104. You find the reference in the

first column, two telephone numbers, and then at the top of or the very bottom, the last paragraph on page 104:

"Mr. Speaker, Mr. Shrubb could "have testified as to these "phone calls at the trial of "Feeley, McDermott and Wright, "and he could have produced ---"

A. I am sorry, I have lost you.

Q. The last paragraph, first column.

A. Yes.

Q. "Mr. Speaker, Mr. Shrubb "could have testified as to the phone calls at the trial of "Feeley, McDermott and Wright, "and he could have produced photo- "static copies of the telephone "toll slips to show that the phone "calls took place. Such evidence "would have gone a long way, I "suggest, in proving the conspiracy "in which Feeley, McDermott were "charged."

Now, was that evidence that Mr. Winter-meyer is mentioning, tendered at the trial?

A. It was -- no, it was not tendered. And regardless of objections by defence counsel, it was doubtful if the Crown would have tendered that. I am afraid, jumping into the bottom of page 104, I am not

1 certain of the year. Was this 1954?

2 Q. 1958, I believe.

3 A. 1958, was it? I thought it

4 would have been earlier. No, that evidence

5 was not tendered, with great respect to Mr.

6 Wintermeyer. It is doubtful if the Court

7 would have admitted it, and with great respect

8 again to Mr. Wintermeyer, it was doubtful that

9 that would have assisted, if even had it

10 been relevant, in my opinion, would have

11 assisted the Crown in assisting on a charge

12 of conspiracy laid by the Crown against

13 Wright and Feeley. There are different

14 opinions in law and they very often differ.

15 THE COMMISSIONER: Q. Acts of one

16 conspirator are admissible against the other?

17 A. That is quite true. It is

18 most interesting and difficult law, as we

19 all know.

20 Q. That is the advantage in laying

21 a conspiracy charge.

22 A. That is one advantage. But

23 the reference Mr. Hogg is putting to me, are

24 references to phone calls to Reeves and

25 Councillors, and to the best of my knowledge

26 were not otherwise referred to.

27 MR. HOGG: Q. And then police

28 officials?

29 A. I was looking at the paragraph

30 immediately before you started, Mr. Hogg.

Q. No, I am not referring to them.

THE COMMISSIONER: What are you referring to? Mr. Wintermeyer says, "These phone calls, and these phone calls". They are the ones referred to in the earlier paragraph.

MR. HOGG: I am referring to the ones Constable Shrubb had produced in the fourth paragraph on page 104, column 1.

"Peterborough, RI.5-6310, with "the toll slip noting the name "Stringer."

A. What was the question, Mr. Hogg?

THE COMMISSIONER: Q. The question was, were these toll slips introduced in evidence?

A. No, the toll slips were not. Now ---

THE COMMISSIONER: That answers his question. Have you any other question?

MR. HOGG: Q. On May 3rd, Chief Constable Shrubb, did he attend at your office in order to acquaint you with the evidence on these matters we have been discussing?

A. Thatmay very well have been the date. It was between the preliminary and the trial. It would be about that date. I didn't have his brief at the preliminary, which completed about the end of March, and it was not for some time after that the trial

commenced, towards the end of May. It would be about the beginning of May he attended with his diaries and brief and his evidence was made available to me. I was aware, as far as I know, substantially of all of his records or the nature of them before the trial. If that is intended to be your question, Mr.Hogg. A good deal of his evidence, of course, some of it, was considered relevant by the Crown and some of it would not be considered relevant and a good deal of it was ruled inadmissible by the trial Judge.

Q. Was any of it tendered, sir?

THE COMMISSIONER: Q. Toll slips?

A. The toll slips were not tendered, no.

MR. HOGG: Q. And that included a call, I believe, to Wright from McDermott?

A. It is a matter of record, Mr. Hogg. I am sorry, I can't recollect. Certainly some, if I can answer you generally.

THE COMMISSIONER: Q. Whatever they included, they weren't tendered in evidence?

A. Some was tendered, my lord.

Q. I thought you said the toll slips ---

A. The toll slips, as such, no.

Q. That is what I am talking about.

A. No, the toll slips, as such, were not.

MR. HOGG: Q. Now, Mr. Ford, at the conclusion of the trial I believe you made the statement that the jury's verdict was perverse. If that is so, could you explain it?

THE COMMISSIONER: What do you mean? Could he explain what?

MR. HOGG: What did he mean by "perverse"?

THE COMMISSIONER: If that is what he said, I know what a perverse verdict means. Are you asking him to tell me what a perverse verdict means?

MR. HOGG: What led him to reach that conclusion.

Q. Was there any additional information the police or the authorities had given you?

A. First, Mr. Hogg ---

THE COMMISSIONER: Additional to what?

MR.HO_GG: To the information he had up until the trial took place.

THE COMMISSIONER: A perverse verdict doesn't depend on the information counsel may have. It depends on the evidence that went in. Now, are you asking him if it iwas his opinion on the basis of the evidence that was submitted, that the verdict was perverse?

MR. HOGG: Yes, I will put that question to him, first.

THE WITNESS: That was my opinion. I

didn't say, Mr. Hogg, the verdict was perverse. That is for a Court to find.

THE COMMISSIONER: Q. That was your opinion?

A. That was my opinion, sir, because it shocked me as being against the evidence, etc.

MR. HOGG: Q. Did the police give you any evidence that would bolster your view, quite apart from what was tendered at the trial?

THE COMMISSIONER: Don't answer that. What difference would it make? He had the view that the verdict was perverse. Now, whether or not a verdict was perverse is related to the evidence that was before the tribunal, not something that was discovered later, or was discovered earlier but not submitted.

MR. HOGG: Q. Let me ask you this, if I may, Mr. Commissioner. Did the police, at a later time, have any information that there was any tampering with the jury or anything improper took place?

THE COMMISSIONER: Q. You thought there was?

A. There was an investigation and a report. No charges laid, it was dismissed.

MR. HOGG: Q. I notice in Exhibit 154, and I have not had an opportunity to read this

carefully at all,but you refer to affidavit evidence.

A. This is, I take it, is my written opinion advising against the appeal proceeding on the other counts.

Q. Was there such an affidavit, Mr. Ford?

A. What was the reference, Mr.Hogg?

THE COMMISSIONER: Show him the letter so you will know what it is.

THE WITNESS: I know my report, but I didn't follow the question.

MR. HOGG: Q. Page 2, Exhibit 154.

"Grounds 1 (the alleged error of
"the learned Trial Judge in permitting
"defence counsel to challenge jurors
"in a manner contrary to law) to
"a lesser extent is also dependent
"on the filing and acceptance by
"the Court of affidavit evidence as
"to irregularities in connection
"with the jury. The question
"of whether or not affidavit
"evidence ought to be tendered
"is, accordingly, of paramount
"importance."

Now, did you have in your possession, or to your knowledge did the police have in their possession, affidavits bearing on this point?

THE COMMISSIONER: On what point?

MR. HOGG: On the irregularities in connection with the jury.

THE COMMISSIONER: Just a moment now.

MR. HOGG: Q. Let me show you this.

A. I am sorry, Mr. Hogg, I do have my own copy in front of me.

THE COMMISSIONER: You read it to yourself and I will read this to myself. Frankly, I don't understand it. You explain it to me and I may tell you why I can't understand it.

"Ground 1 (the alleged error of "the learned TrialJudge in per-"mitting defence counsel to challenge "jurors in a manner contrary to law)"

That is ground 1?

A. Yes, sir.

Q. You say:

"to a lesser extent is also dependent "on the filing and acceptance by the "Court of affidavit evidence as to "irregularities in connection with "the jury."

I don't know how it depended on that at all.

A. With great respect, Mr. Commissioner --

Q. Would you explain that?

A. You would have to read my reasons.

Q. Counsel for the accused challenged

certain jurors as they came forward to be sworn.

A. Well, briefly, Mr. Commissioner, counsel for the accused announced that they intended to challenge the jurors for cause without specifying any cause. And then certain jurors, the practice having been followed, were not challenged for cause, and there was a reference to certain jurors in my grounds.

Q. Counsel for the accused challenged certain jurors. That is so?

A. Yes, practically all of them.

Q. All right. And you say the learned trial Judge erred in permitting counsel to challenge. That was a matter of law, wasn't it?

A. Yes. This is a ground for appeal. You realize I advised against this appeal.

Q. Quite so. But that was a matter of law?

A. Yes.

Q. Whether they proceeded to exercise their rights within the limits of their rights or not, it is for the trial Judge to decide.

A. Yes. I noted "to a lesser extent". I think I was stating the highest, but there were alleged improprieties with reference to the jury and personnel on the jury.

Q. There may have been other improprieties, as you say?

A. As alleged in other grounds of appeal.

Q. I don't know that affidavit evidence would be relevant in determining a point of law.

A. The subsequent basis, Mr. Commissioner, of this information having set forth, in my opinion, other possible grounds of appeal and nothing to support it. The basis, finally, was that the information available to me didn't support the filing of an affidavit that I considered, as counsel, was admissible on this appeal, and that without it there wasn't sufficient.

Q. Again we are roaming quite far afield. The question was, was there affidavits? Is that your question?

MR. HOGG: Yes. There were seven references, as far as page 5, to affidavit material, the filing of affidavit material.

THE COMMISSIONER: As to what?

MR. HOGG: On page 1 in the last paragraph. Page 2 in the first paragraph.

THE COMMISSIONER: Affidavits as to what, Mr. Hogg?

MR. HOGG: I don't know, Mr.Commissioner.

THE COMMISSIONER: I haven't found them yet.

MR. HOGG: The last paragraph on page1.

"Ground 6, that there were circumstances "indicating that the jury was not "impartial."

THE COMMISSIONER: Q. I suppose every time a litigant or the Crown or the accused loses a case before the jury, there is always the suggestion that the jury was not impartial?

A. Not always by this counsel.

Q. Well, I have heard it frequently.

A. I have, too.

THE COMMISSIONER: "That the verdict was perverse -- ".

MR. HOGG: Q. All through this, on page 2 in the second paragraph. Page 3, in the third paragraph. I don't know what he means by that.

THE COMMISSIONER: I am just wondering. We are going up a blind alley.

MR. HOGG: Q. Are there any affidavits available in connection with this letter?

A. No, Mr. Hogg. When you have an opportunity of reading that, I think you will see set forth as to certain grounds of appeal, certainly strenuously on ground 1. On the others, it was advised these grounds should not be proceeded with. And the substance of that letter, in my opinion, as indicated from the information available to me, I wouldn't advise or tender such affidavits.

I am just saying the information, in my opinion, wouldn't support, in law, in my opinion, an affidavit that the Court of Appeal would accept.

Q. The last question.

A. Mr. Hogg, excuse me. I am not in a position, but you asked me a moment ago about back in the year before. I am not in a position of saying that there were no affidavits taken from any persons with reference to this jury, I am only saying I did not have affidavits, and the references to affidavits there is merely saying I would not advise it.

Q. Have you any knowledge of an investigation into a Mr. Scott, that was made on the instance of the Attorney-General's Department, Mr. Eric Scott?

A. I know the circumstances. I don't know too much about the investigation. I know of some of them. I know the circumstances.

Q. Would you know who ordered this investigation?

THE COMMISSIONER: Was it an investigation of Eric Scott?

MR. HOGG: Q.. Was there an investigation made, to your knowledge?

THE COMMISSIONER: An investigation of Eric Scott?

THE WITNESS: I know there was some

investigation made of him. I don't know the scope of it, Mr. Hogg.

MR. HOGG: Q. Do you know who made it, or who ordered it?

A. To the best of my knowledge, it was ordered, I don't like to use the expression "generally", but that is all I can do, made by the Attorney-General's Department.

Q. Had you discussed this matter with anyone in the Attorney-General's Department?

A. The question of investigation?

Q. Yes.

A. I did not recommend any such investigation, Mr. Hogg. Certainly I had discussed Mr. Scott.

THE COMMISSIONER: Let us identify this Mr. Scott. There are a number of Mr. Scotts.

MR. HOGG: Q. This was ---

A. He was the former junior officer.

THE COMMISSIONER: Q. He was your junior at the time of the prosecution?

A. That is right, sir.

Q. And his name does appear?

A. That is right, until the 30th of June, when he ceased to be with me.

MR. HOGG: Q. You say you didn't recommend it. But my question was, were you present at any time when this matter was being discussed?

A. When he was being discussed or when the investigation of him was being discussed?

Q. When a proposed investigation of him was being discussed.

THE COMMISSIONER: In connection with what?

MR. HOGG: Q. With his background or anything in connection with him?

A. I don't so recall, Mr. Hogg, being present at any such investigation or any such conference in reference to an investigation. I, frankly, wouldn't have considered it necessary.

Q. Did you see the results of this investigation?

A. You are referring to one inquiry, I take it. I know of only one inquiry, and I was informed of this.

THE COMMISSIONER: Q. One inquiry?

A. Yes, and that was ---

MR. HOGG: Q. Have you a copy of that?

A. No, I have not.

Q. Who showed it to you, sir?

A. I believe Chief Inspector Graham either showed me or informed me of it. Certainly the -- I don't wish any inferences to be left by this. The inquiry about him was negative. In other words, it was not derogatory, the inquiry of which I have notice.

Q. Was not derrogatory. This was a rather extensive investigation that went even out of the country?

A. I know of only one inquiry that was made, Mr. Hogg. I am the wrong person to ask about the scope of the investigation.

Q. Didn't Inspector Graham tell you who ordered it?

A. I don't like to rely on my recollection of that, Mr. Hogg. You understand, I don't like to use the expression "Attorney-General's Department". There is no secret about it.

THE COMMISSIONER: Inspector Graham is here, and all this is doing is building up some sort of a phantom. I don't know whether there is any substance to it or not. It isn't very satisfactory to leave it in that condition. You introduced it.

MR. HOGG: Possibly, Mr. Commissioner, if he would be good enough to talk to me after and tell me what I want to know about it. I want to know, if there has been an investigation, and if so, who ordered it.

THE COMMISSIONER: There is an investigation that somebody ordered of Mr. Eric Scott, who was this witness's junior during the prosecution. I don't know, as to the investigation, as to what. This witness says he knows of one inquiry and it

was not derrogatory to Scott.

MR. HOOG: I have no further questions.

THE COMMISSIONER: Have you any questions?

MR. REID SCOTT: No, my lord.

THE COMMISSIONER: Mr. Rose is not here. Any further questions?

MR. WILSON: No questions. Thank you, Mr. Ford.

---Witness withdrew.

---Short recess.

(Page 4990 follows)

---On resuming at 11:55 a.m.

MR. WILSON: Inspector Graham.

MR. SCOTT: Mr. Commissioner, if I may say one word to you before this next witness. I want to make an application, Mr. Commissioner, to have Mr. Eric Scott called before the Commission. At the adjournment, from comments heard here, it seems a completely erroneous impression has been left to the newspaper people here in connection with this person, arising out of comments prior to the adjournment. There may be some damage to him, and I would ask that Mr. Scott be called to appear here.

THE COMMISSIONER: Well, we will see how relevant his evidence may be. I didn't think there was any damage done.

MR. SCOTT: I didn't think there was any damage done, but from comments at the adjournment, I became very concerned, both by the newspaper people, and from one or two things said to me, I felt that there was very severe damage, with severe implications which might be cast on his name.

THE COMMISSIONER: I didn't think there was any implication against him. The evidence was not derrogatory about him.

MR. SCOTT: I just want to make the observation, because I think I became very concerned after the adjournment.

THE COMMISSIONER: All right.

MR. WILSON: Chief Inspector Graham.

HAROLD HOPKINS GRAHAM, recalled:

EXAMINED BY MR. WILSON:

Q. I think, in your previous evidence, you have told us that you were the man who obtained the information, and arranged for the arrest of R.J.Wright?

A. Yes sir, on May 27th, 1960.

THE COMMISSIONER: That is when you arrested him, May the 28th, but you obtained and swore the information - - -

A. We obtained the warrant on the previous day.

THE COMMISSIONER: There wasn't a warrant without an information?

A. No sir.

MR. WILSON: This is a photostat of the information that you speak of, dated the 27th of May, 1960?

A. Yes sir.

MR. WILSON: Would you like that filed, Mr. Commissioner?

THE COMMISSIONER: What does it show.

MR. WILSON: The charge was: "That at the Municipality of Metropolitan Toronto, in the County of York, during the month of February, March and April, 1960, unlawfully did, being a peace officer, obtain money for himself with intent to interfere with the administration of justice."

A. Now there was an amending information - - -

THE COMMISSIONER: Now, what's on that information. He was arrested?

A. That's right.

MR. WILSON: Q. And then after his arrest, there was a further information dated the 6th of June, 1960, which was a little more elaborate. It may be that I will just file that as A and B.

THE COMMISSIONER: What was the charge on the second one?

MR. WILSON: Well, the second one is: "Did at the Municipality of Metropolitan "Toronto, in the County of York, during "the months of February, March, and "April, 1960, unlawfully did, being "a peace officer, obtain money for "himself with intent to interfere with "the administration of justice,

"contrary to Section 101a of the
"Criminal Code, and further, that
"at the Municipality of Metropolitan
"Toronto, in the County of York,
"on or about the 29th day of February,
"1960, Robert J.Wright, gave to
"Constable George Scott, a peace
"officer of the Ontario Provincial
"Police Force, four hundred dollars in
"money, with intent that the said
"George Scott should interfere with
"the administration of justice,
"contrary to Section 101 (b) of
"the Criminal Code."

MR. WILSON: And then it goes on to deal with two further items of two hundred and four hundred dollars respectively.

THE COMMISSIONER: There was no charge of conspiracy?

MR. WILSON: No.

THE COMMISSIONER: Well, the first information is May 27th and the second one was when?

MR. WILSON: June 6th, 1960.

Exhibit 155, A and B.

---EXHIBIT 155 A : Information dated May 27th, 1960.

---EXHIBIT NO. 155 B: Information dated June 6th, 1960.

MR WILSON: Q. Following the arrest of Wright, you carried out further investigations?

A. Yes, sir.

Q. And in connection with those investigations, did you have conferences with, and advice from the Crown Counsel?

A. Yes sir.

Q. Who were the Crown Counsel, and who was advising you in connection with the further investigation you had undertaken?

A. The first counsel we had advice from, was Mr. Pepper.

Q. Mr. Elliott Pepper?

A. Yes.

Q. In the Attorney General's Department?

A. Yes sir.

Q. Now just tell us what his part in this matter was?

A. I went to Mr. Pepper in July of 1960, and sought advice regarding the laying of charges against Feeley, Reid and Lafrade, in Toronto Township, of keeping a common gaming house.

Q. Yes.

A. I discussed the evidence with him briefly. He thought there was ample evidence on which charges should be laid, and instructed me to see Mr. Metcalfe, the Crown Attorney of Peel County.

Q. And then as a result of your meeting with Mr. Metcalfe, what action was taken?

A. As a result of that meeting, charges of keeping a common gaming house were laid by Provincial Constable Moore of the Anti-Gambling Squad, against Feeley, McDermott and Angelo Lafrade, and George Reid.

Q. As I understand it, that was done on September the 6th, 1960?

A. No, the first charge was laid on August 16th, 1960, but identical charges were laid in September.

Q. Oh I see, and then were charges - in reppect to the gaming charges which were referred to, the carrying on of a common gaming house at the Veterans' Club, Cooksville?

A. Yes sir.

Q. Now was that the extent of your advice and direction from Mr. Elliott Pepper?

A. Yes sir.

Q. Then in the course - in the course of your investigation of this matter, following right after the arrest we have referred and we have heard about, telephone calls and information about telephone calls being obtained?

A Yes sir.

Q. Where was that information obtained, and what was the nature of it?

A. Most of the information was obtained in Montreal, from the records of the

Bell Telephone Company.

Q. And who did that work?

A. Inspector Devereux.

Q. And was that a simple operation, or a lengthy operation?

A. It was a lengthy operation involving the search of thousands of Bell Telephone long distance toll slips.

Q. And that was done at approximately what time?

A. That was done in June.

Q. Of 1960?

A. Yes sir.

Q. Then there has been some query about why some conspiracy charge hadn't been laid against Wright and McDermott and Peeley at an earlier time. What was the story about the final laying of such a charge.

D/2 A. Well, in September, Mr. Metcalfe, the Crown Attorney for Peel, advised me that he would seek to disqualify himself from prosecuting the gaming house charges, as he - -

Q. As he had - - yes, go ahead. Give the reasons for his action.

A. He had previously been a member of the Gogek law firm, and Gogek was a key witness in the prosecution.

Q. What did you do as a result of that stand on his part?

A. I didn't do anything. I waited

instructions as to whom the new prosecutor would be, and I was advised that it would be Mr. Alec Hall who was then the Crown Attorney for the County of Ontario.

Q. Well, Mr. Hall was, or had at that time been a Crown Attorney for a considerable number of years?

A. Yes sir.

Q. And he had also considerable experience outside of his own area?

A. Yes sir.

Q. And then following this appointment, did you meet with him and confirm with him?

A. Yes sir, I did on November the 7th.

Q. Did you place before him all the facts that you had gathered together as a result of the further investigations?

A. Yes sir, I did.

Q. And what decision did he make at that time?

A. He said that it appeared to him, that to successfully prosecute McDermott on a gaming house charge, it would be necessary to prove that telephone calls were made by McDermott to Scott, and by Wright to McDermott, and therefore it was - there was a case in his opinion of charging of McDermott and Feeley and Wright with conspiring to interfere with the administration

Instructions in to close the new [illegible]
would by, and I was [illegible] that he would be
Mr. Also Mr. [illegible] also was does the [illegible]
for the [illegible] of [illegible].

Q. [illegible], Mr. [illegible], or [illegible]
or [illegible] from a [illegible] Attorney for a
[illegible] member of [illegible]?

A. Yes sir.

Q. And he had [illegible]
[illegible] instead of [illegible]?

A. Yes sir.

Q. And then [illegible]
[illegible], did you meet with [illegible] and [illegible]
[illegible]?

A. Yes sir, I did in [illegible]
the [illegible]?

Q. Did you [illegible] [illegible] and [illegible]
[illegible] that you had [illegible] [illegible] in [illegible]
of the [illegible] [illegible]?

A. Yes sir, I did.

Q. And [illegible] [illegible] be [illegible]
in [illegible]?

A. He said that it [illegible] to [illegible]
[illegible] to [illegible] [illegible] [illegible] on a
[illegible] [illegible]. It [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible], and [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

of justice.

Q. Now is that the first time you had conversed with any Crown officer in regard to a possible charge of conspiracy against the three of them?

A. That is the first time it was discussed in detail, yes.

Q. Well, had there been any discussion between yourself and anyone in the Attorney General's Department?

A. No sir.

Q. In regard to the matter, or if there had been any prior discussion it would have been with Metcalfe?

A. Yes sir.

Q. And prior to November, when you met Mr. Hall, what disposition, or what was the status of this original charge against Wright upon which he was arrested on May 28th, 1960?

A. Wright had been committed, or had -- yes, he had been committed for trial, and a true bill had been found against him on the four counts in September, 1960.

Q. And then what was the final disposition of those four counts?

A. They were nolle prose.

THE COMMISSIONER: Approximately what date?

MR. WILSON: September 12th, 1960.

THE COMMISSIONER: Thank you.

THE WITNESS: I am not certain of the date Mr. Bowman advised me that he was - - -

MR. WILSON: That particular charge was under the control of Mr. Bull, the Crown Attorneyfor North York?

A. He was the prosecutor of that yes.

Q. Now was there some difference of opinion between Crown counsels as to how these charges should be laid and proceeded with?

A. Well, there were several - there were some discussions between them, and I think eventually everyone was agreed that they should be proceeded with, as they finally were.

Q. Then following your meeting with Mr. Alec Hall, as he was then, in November, did you have a further conference in the Attorney General's Department?

A. Yes sir, I did, in December.

Q. And who were present at that meeting?

A. Mr. Common for part of the meeting and Mr. Bowman, Mr. Bull, Mr. Hall and myself.

Q. And what decisions were arrived at at that meeting?

A. It was tentatively agreed that McDermott, Feeley and Wright should be charged with conspiring to interfere with

the administration of justice, by corruptively giving money to George Scott.

Q. Following which the various counts were incorporated and the informations were drawn up by whom?

A. By myself. Well, the draft was drawn up by Mr. Hall, and given to me, and I typed up an information.

Q. And this is a copy of the information which is dated January 9th, 1961?

A. Yes sir.

MR. WILSON: That will be Exhibit 156.

---EXHIBIT NO.156: Information dated January 9th, 1961.

MR. WILSON: Q. Now is there any - as far as any lapse of time between May 28th and January the 9th, May 28th, 1960, when Wright was arrested on January 9, 1961, was it brought about by the act of anyone suggesting that there should be a delay?

A. No sir. No one ever suggested to me that it should be delayed.

Q. So that the matter proceeded in a normal way, and that was the chronology of the events?

A. Yes sir.

Q. Then Mr. Alec Hall became a County Court judge - -

A. For the County of Ontario, yes.

THE COMMISSIONER: When was he appointed?

MR. WILSON: That happened in - - well, do you know?

A. I think it was February of 1961.

MR. WILSON: Q. I think we have heard that shortly after that, Mr. Ford was appointed in his place as Crown prosecutor?

A. Yes sir.

MR. WILSON: That's all, thank you.

THE COMMISSIONER: Any questions?

MR. HOGG: Yes sir.

EXAMINED BY MR. HOGG:

Q. Inspector, you were brought into this investigation of this case, just a few days prior to the arrestof Constable Wright?

A. Yes sir.

Q. You had, sir, perhaps I can put it this way, you did not have the charge, or the carriage of the investigation that Scott was carrying out over this period of four months?

A. No, sir, I did not.

Q. And after Wright 's arrest, you carried out a most ~~xxx~~ intensive and ~~xxxx~~ thorough investigation?

A. Yes sir, I think so.

Q. Now Mr. Ford, I believe you were in Court, and Mr. Ford referred to some telephone calls and investigation of some telephone calls, that in his opinion corroborated the evidence of Constable Scott?

A. Yes sir, that's quite right.

Q. In other words, these telephone calls would tend to show that Scott's evidence was accurate?

A. Yes sir.

Q. Now when was that investigation made, Inspector?

A. Well, that investigation started around the 1st of June, and Inspector Devereux received or seized many long distance records in Montreal, and Sergeant Anderson and Constable Moore seized many records here, and we were engaged during the whole summer, actually, in correlating all this material, and a big brief was prepared to show the significance of all the telephone calls, and how they could be - how they tended to establish evidence against these accused.

Q. Scott's report indicated he had been talking to Wright and to McDermott, and there was an inference there that perhaps McDermott had talked to Wright and so this search was made to substantiate both of those facts?

A. Yes sir.

Q. And that material was in your hands at what time. What date approximately?

A. Well, the material was in our hands in June, and perhaps some of it was in July, but to properly - to have it properly sorted out so that people could understand its relevance and significance, it was about the end of August before it was done.

Q. You had acquired this information within a month or so, and assimilated it, and put it in the form of a brief or report by the end of August?

A. Yes, about that.

Q. And yet McDermott was not arrested until January, the following January?

A. Well, he was arrested in September - -

Q. I am not talking about the gaming house case, I am talking about the conspiracy?

A. Yes, sir, January 10th, '61 when he was arrested.

Q. Do you know why there was this delay, over this period?

A. Well, there - - -

Q. Five months - -

A. As I mentioned, a Mr. Metcalfe had sought to disqualify himself, and was disqualified, and there was some delay in appointing a substitute for him. By the

time Mr. Hall had digested everything - it was a further delay.

Q. I am not referring just to the gaming house charge. When you say Mr. Metcalfe was disqualifying himself - - -

A. That's right.

Q. That just referred to the gaming house charge.

A. Well, he had knowledge of more - more evidence than gaming house.

Q. Now to your knowledge the day or the day after, perhaps the day after, within two or three days of Wright's arrest, Mr. Roberts, the Attorney General, did he make a public statement that he was taking personal direction ofthis case?

A. I have no knowledge about that, sir.

Q. When you were placed in charge of the case, what law officials were you directed to consult?

A. First of all, it was Mr. Bull.

Q. And as a result of those discussion with Mr. Bull, what charges were laid?

A. The four counts, I believe on June 6th - -

Q. That is June. And then how long was he being consulted or charged with the case from the prosecution point of view?

A. Well, he was in charge of

this case and consulted until a true bill was found.

Q. Until a true bill was found. Who took that to the Grand Jury?

A. Mr. Bull did.

Q. Now in the meantime, were you consulting with anyone else, any other legal people?

A. Crown officials.

Q. Yes?

A. Just Mr. Pepper on one occasion./

Q. Then Mr. Bull was replaced by Mr.Hall?

A. Yes sir.

Q. And then he was appointed a judge and Mr. Ford - - -

A. Yes sir.

Q. Well, who was in charge of the case from the prosecution point of view, when the evidence concerning the telephone calls had been obtained and summarized?

A. Mr. Metcalfe

Q. When did Mr. Hall come into the matter?

A. November of 1960.

Q. When did Mr. Hall inform you that he would no longer be able to act?

A. I don't believe he ever officially informed me. I was at Walkerton at

the preliminary hearing at a much earlier part of the month when Mr. Ford was - - notified me that he was.

Q. I believe there is a note in your diary on December 14th, 1960:

"Crown Attorney Hall advised me

"~~re~~relining, "

MR. HOGG: It says relining, but it must be declining of gaming bribery cases.

A. What date?

Q. December 14th.

A. December 14th?

Q. 1960.

A. No, its not declining, its relining, relining of the gaming and bribery cases.

Q. Relining?

A. Relining information.

Q. I am not familiar with the expression.

A. That's what he used himself.

Q. What does that mean?

A. Well, setting up a new information.

THE COMMISSIONER: Redrafting it, I suppose?

A. Yes sir. One important word was left out of that other one, the word corrupted.

MR. HOGG: Q. Its my understanding,

Inspector, that someone else was making decisions as to when - somebody else other thanyourself - as to when Mr. McDermott and Feeley should be arrested?

A. Yes sir.

Q. And at any time, prior to their arrest, did you orally, or on a written form suggest that they be arrested because as time went on they could cover their tracks?

THE COMMISSIONER: What was that?

MR. HOGG: That was a double-barrelled question.

Q. Did you ever suggest orally or in writing, prior to the 10th of January, 1961, that McDermott and Feeley should be arrested?

A. I had many - - it wasn't for me to suggest whether they should be or not. I had many discussions with them, bringing facts to the Crown counsel concerned.

Q. Well, you are a senior and an experienced officer, and you could express your opinion to the prosecution counsel. Did you ever do so?

A. I have asked - I don't know as I have - I can't recall. It was my - that was my opinion, whether I said it or not, I don't recall.

Q. According to your diary you

presented Shrubb's information to Mr. Ford on May 3rd, 1961. Was this matter discussed, of Shrubb's information, and all the slips he had received, was that discussed prior to the trial?

A. With Mr. Ford, yes it was.

Q. Was it decided that that information would be put forth as evidence?

THE COMMISSIONER: That was left with Mr. Ford?

A. Yes, sir, as he said this morning he took full responsibility in deciding what evidence he thought was relevant and what was not.

MR. HOGG: Q. And that was a matter he was going to decide on his own?

A. Yes.

Q. About the investigation into the background of Mr. Scott, were you directed to make such an investigation?

A. Yes sir.

Q. By whom, sir?

A. By the Attorney General.

Q. And what date were you directed - were you so directed?

A. It was about July of 1961, July or August.

MR. HOGG: I wonder, Mr. Commissioner, whether a copy of that report could be made available to me.

THE COMMISSIONER: Made available to you,

yes.

MR. HOGG: Yes.

MR. WILSON: Mr. Commissioner, I fail to see what this has to do with the terms of reference.

THE COMMISSIONER: I don't know what it has either, but it shouldn't be said later or suggested - - -

MR. HOGG: Q. Were you told why an investigation was to be made?

A. I beg your pardon?

Q. Were you told why an investigation was to be made?

A. No, I was just instructed to secure the background of Mr. Scott.

MR. HOGG: That's all the questions I have. If I have an opportunity to see that report and there appears to be something, perhaps this witness could be recalled. I don't want to pursue the matter any further at this time.

THE COMMISSIONER: All right. Any questions?

MR. REID: No.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: No questions.

MR. WILSON: No questions, thank you.

---The witness retired.

MR. WILSON: Call Chief Constable Johnson.

HOWARD
CHIEF CONSTABLE D. JOHNSON, sworn:

EXAMINED BY MR. WILSON:

Q. You are the Chief Constable for Bertie Township?

A. That's right, sir.

Q. And you have been -- held that position since January 1st, 1958, is it, or '9?

A. '58, the Department was formed.

Q. That's right, January 1st, '58.

A. I was actually sworn in on December 12th, 1957.

Q. And prior to that time, you had had police experience with both the R.C.M.P. and the Niagara Falls Police Department?

A. That is right, sir.

Q. Now the Frontier Club, of course, is situated in Bertie Township?

A. Yes, that's right.

Q. And after your appointment, your Township Police Force took over the ~~[illegible]~~ policing of the Township from the Provincial Force, which up to that time had been looking after it?

A. That is right, sir.

Q. Then after January the 1st, '58, the Anti-Gambling Branch of the O.P.P.

did in fact cooperate with you, and as I understand it - - -

A. Yes, they did.

Q. So far as the Frontier Club is concerned, you acted on your own discretion and on the advice of your police commission?

A. That is right, sir.

Q. On the evidence to date, you certainly carried out quite a number of raids on the club during the period from January through until the time in July, as I recall, or was that when it went out of business?

D/4

A. June the 27th, of 1958, was the lst raid that the members of my department made on the club.

THE COMMISSIONER: June 27th?

A. June the 27th, 1958.

THE COMMISSIONER: About that time they went out of business?

A. I don't know the exact date they moved out - but it was shortly after that.

MR. WILSON: Q. And during that period fromJanuary 1st, '58 to the end of June or early July, whichever is the right date for the termination of their activities, how many raids did your force make on the premises of the Club?

A. Fifty-nine.

THE COMMISSIONER: Between January 1st and June 27th. The first raid was on - - -

sin in full cooperation with you, and on a

questions it - - -

A. Yes, that did.

Q. So far as the Prosecutor Glen is concerned, you moved on your own discretion and on the advice of your police constables?

A. That is right, sir.

Q. In the Ryland in fact, you initially decided not quite a person it below by the time during the general fire control. Therefore would the time is July, as I recall, or was that when it was not of Dunsmuir

A. Some time after, of course, was the fire was well beyond the control of my department.

The Commissioner: Yes, sir?

A. Yes the fire, sir.

The Commissioner: Does it ever come that was of Dunsmuir?

A. I don't know the exact date. Have moved out - but it was somewhat after that.

Mr. Alderson: Q. And during that period Commissioner Lee, "At in the fire of Glen or early July, nevertheless it was right onto the Dunsmuir of Royal Anthracite, but you said the fire from when I in the presence of the Mayor.

L. Alderson:

The Commissioner: Without answer the question.

Mr. Lee: The fire was not on - - -

A. No, no, I said between January 1st, and June 27th.

THE COMMISSIONER: You made how many?

A. 59. The first raid was on January the 4th, I believe, in the early morning of January the 4th.

MR. WILSON: After your appointment, or knowledge of your appointment was made known to this post of Chief of Police of Bertie, were you approached by anyone in regard to operations of the Frontier Club?

A. I was still living in Niagara Falls, Ontario, for - I believe it was the end of March I moved up to Ridgeway Ontario. But in December, shortly after my appointment, a man came to my house onSaturday afternoon in Niagara Falls. He rapped on the door and asked if I was Chief Johnson, and I replied in the affirmative, and he asked to come in, and I invited him in, and he asked if there was - - what my actions were going to be in connection with the clubs. I informed him that if there was evidence of illegal gambling, we would no doubt raid it. He asked if I could be persuaded not to raid it. At this point I asked him what his name was and who he was and who he represented, and he declined to tell me, so I got up and opened the door and asked him to leave, suggested to him that our discussion was through.

MR. WILSON: Q. Do you know who that person was?

A. No, I do not.

Q. Had you ever seen him before or after. Have you seen him since then?

A. No, I have not sir.

MR. WILSON: Now did you have any other approaches about - - -

THE COMMISSIONER: Just a moment now.

(Page 5020 follows)

E/1/AS

Q. After January 1st, 1958, did you have any further approaches by anyone, purporting to represent the Frontier Club?

A. I believe it was February 13th, 1958, as a result of some correspondence with the secretary of our Police Commission, Mr. Humphreys (sic) attended the Police Commission meeting, in the police building, and he complained of the frequency of the raids and the manner that they were being carried out.

Q. Who accompanied him on that occasion?

A. Mr. Ross. He was listed at that time as the club steward.

Q. Was there any other person with Mr. Ross and Humphrey?

THE COMMISSIONER: Do not go too quickly, please.

MR. WILSON: I am sorry.

THE COMMISSIONER: Yes.

MR. WILSON: Q. Was there any other person with Mr. Ross and Mr. Humphrey when they came to that meeting?

A. There was a third man came up the stairs to the Police Commission meeting, just briefly entered the room and immediately turned and rushed down the stairs again, and I would not like to say who he was.

Q. What kind of car had this group,

Q. What January was that, and was you in Jackson connection to January, preparing to reopenend the Premier Club?

A. I believe it was January 1,[illegible], 1[illegible], as a result of some correspondence with the primary of the Delta Democrats.

Mr. Dougherty (sic) accosted the Police Commission meeting, in the police building, and he complained of the frequency of the raids and the manner that they were being conducted.

Q. Who accompanied him on that occasion?

A. Mr. Hood. He was known at that time as the city attorney.

Q. Was Mr. Dougherty alone?

The commission, or was it in the council place?

A. Yes. I am sorry.

Mr. Williams. Mr.

A. Yes. Williams. Q. Was there any other person with Mr. Ross and Mr. Dougherty when they came to that meeting?

A. There was a black man came to the stands to the police commission meeting, that actually carried the news and information that I guess they thought, my present memory, and I would not like to say who he was.

Q. What kind of car had Ross driven?

or these people? What did they come in? Do you recall?

A. I did not see the car on that occasion. That was at night; the Police Commission meeting was in the evening at that time.

Q. What decision did the Commission make, in response to Mr. Humphrey's representations?

A. I think as a result of his visit, it was suggested it might be necessary to get an injunction against the police.

THE COMMISSIONER: Q. Who suggested that?

A. Mr. Humphrey. There were orders issued by the Commission to suspend the raids on the club temporarily. I think a visit was made by the Judge on my Police Commission, to the Attorney-General's Department.

MR. WILSON: Q. To suspend the raids?

A. They asked me to suspend the raids temporarily.

Q. Yes?

A. I think they had received some advice from the Attorney-General's Department.

Q. How long did that last?

A. The next Police Commission meeting was in early March and we were then instructed to carry on with the raids. It was approximately

or those people? What did they come for? Do you recall?

A. I didn't see the car on that occasion. That was at Lafayette Street. Commissioner Keating was in the evening at that time.

Q. Was anything said by the commissioner, in response to Mr. Dougherty's representations?

A. I know in a general way it was stated, it was suggested it might be necessary to get an injunction against the police.

THE COMMISSIONER: Who suggested that?

A. Mr. Dougherty. There were officers issued by the Commissioner to suspend the rules on the city terminals. I think a verbal one came by the judge on my return. Commissioner, to the Attorney-General's department.

MR. TAYLOR: Q. Do you know the answer?

A. They asked me to summon the Valve Superintendent.

Q. Was?

A. I then sent the auditor over to the Attorney-General's department.

Q. Did you get the Valve Superintendent?

A. The Water Filtration Building was in charge of a man who was acting as superintendent at that time. I'd say Superintendent.

one month that the raids were not carried out.

Q. Now, did you know a man who has given evidence here? An Arthur Jolley?

A. Yes, I do.

Q. Have you known him for some time, or in 1958 had you known him for some time?

A. Yes, I have known Mr. Jolley since 1946.

Q. And sometime in 1958 did you have a telepnone call from him? A long distance call, in regard to a possible appointment for one Joseph McDermott?

A. Yes, I did.

Q. Can you give us the approximate date of that call?

A. It would be late in the spring; I have not the date of it. It would be late in the spring. It was not too long after they moved out. Mr. Jolley called me, and I have no idea -- I believe he was in Toronto. I believe Mr. Jolley was intoxicated at the time he called me. He was very incoherent.

THE COMMISSIONER:Q.Very what?

A. Very incoherent, and muttering and stumbling over his speech. And he talked about the club and said a friend of his, or an acquaintance of his wa_nted to see me about the club.

I advised him at that time that I had nothing I wished to discuss with Mr. McDermott about the club, and if he had any complaints, that he should take them to the Police Commission. However, I did later agree to see Mr. McDermott.

MR. WILSON: Well ---

THE COMMISSIONER: Just a moment.

Q. Was it during this telephone conversation that you agreed to see McDermott?

A. Yes, it was.

Q. How did that come about ---

A. Yes, it was. As I recollect it, Mr. Jolley asked me at that time to call him back that night. That was in the late afternoon when he called me. He gave me a room number at the Royal York Hotel. I do not recall the room number. I made no call, no return call to him.

Q. Was the House in session at this time? The Legislature?

A. I could not say for sure, Mr. Commissioner. It is possible that it was.

MR. WILSON: Q. Following that call from Mr. Jolley, did you ever hear from Mr. McDermott?

A. No, I did not. I have never spoken with Mr. McDermott or Mr. Feeley in my life.

Q. After that call, did you have a

further visit from Mr. Humphrey?

A. Yes. I have a record of that visit here, sir. (indicating).

I believe I said before, sir, that this visit was not reported to the Police Commission. It was reported, in fact, to the Police Commission, and this is the copy of my letter to the Board of Police Commissioners, regarding that visit.

Q. What is the date of your report?

A. The date of the report is May 8th, 1958. It reports a call received from Mr. Humphrgy on April 24th, 1958.

Q. This is Mr. David Humphrey, the Toronto lawyer?

A. He represented himself as such on the telephone.

THE COMMISSIONER: This is a telephone interview?

A. He called, asking if he could have an appointment to see me, to discuss the raids on the club. That was on the 24th that he called.

Q. Yes?

A. And he arrived at my office at three p.m. on Friday, April 25th, 1958.

Q. April 25th?

A. April the 25th, 1958, yes.

Q. And you reported to the Commission about the visit on what date?

A. My letter is dated May 8th. That would be the first meeting of the Commission after this visit.

Q. Yes.

A. I had previously arranged to have two sergeants of my department present at the office at this time; Sergeants Webb and Schlitz were at the office. Mr. Humphrey ---

Q. Yes?

A. Conversation was along the same lines that he had adopted at the Police Commission meeting, complaining about the frequency of the raids, and the manner in which they were carried out.

He only stayed a very few minutes, and then left.

MR. WILSON: Could I see the report for just a moment? (Handed to counsel)

THE WITNESS: I believe, sir, at that time he was at the club. I was not at the club, but he was at the club when they raided it.

MR. WILSON: Q. Well, was it on that occasion when he said something along the lines, "I guess I am not wanted"?

A. I believe he made a remark like that; that he did not feel too welcome.

Q. In this report, a copy of the report you made of May 8th, I see you made reference to a raid later that day. Give us

the substance of that.

THE COMMISSIONER: Read the report.

THE WITNESS: The complete report?

THE COMMISSIONER: Yes.

THE WITNESS: It is dated May 8th, 1958, directed to :

"His Worship Reeve F. HOUSE, Chairman,
"Members of the Board of Police Commissioners,
"Township of Bertie,
"RIDGEWAY, Ontario.

" Re:Frontier Veterans Association,
Thompson Rd.,Bertie Twp.,Ontario.

"SIRS:

" On April 24th,1958 Mr. David "HUMPHRIES, Laywer, representing "the above noted Club, contacted "the writer by phone requesting an "appointment to discuss the raids "on the club. Mr. HUMPHRIES arrived "at the police office at 3.00 P.M. on "Friday April 25th., 1958. Sergts. "WEEB and SCHULTZ were present "at the time and Mr. HUMPHRIES "conversation at the time was along "the same lines as he adopted at "his meeting with the Police "Commission. Very little was said "by myself or the other members "present regarding the Club, and "after a few minutes Mr. HUMPHRIES "left.

the attendance of Mr.,

[illegible] the [illegible]

MR. [illegible]: The complaint against

the [illegible],

MR. [illegible]: It is stated that Mr.

[illegible] Counsel [illegible]

"MR. [illegible] Mr. [illegible], [illegible],
"Members of the Board of Police Commissioners
"Municipality of [illegible],
"[illegible], [illegible].

"[illegible]

"[illegible]

"On April [illegible], [illegible], [illegible]
[illegible], [illegible], [illegible]
the above [illegible] [illegible], [illegible]
"the matter by [illegible] remaining as
[illegible] to [illegible] the [illegible]
[illegible] [illegible]
of the police officer at [illegible] on
[illegible] [illegible], [illegible]
[illegible] [illegible]
"of the [illegible] [illegible],
[illegible] [illegible] [illegible]
"the [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
"by [illegible] of the [illegible] [illegible]
"[illegible] regarding the [illegible], and
"after a few [illegible] [illegible], [illegible]
[illegible]

"..... On the same date at 10.59
"P.M. a search warrant was executed
"at the Club by Csts.Schier and
"STITT and at that time Mr.HUMPHRIES
"was at the Club. He requested to
"examine the warrant and after
"perusing same commented that it
"was 'O.K.' The Constables pro-
"ceeded to take the names and
"addresses of the persons on the
"premises and immediately this
"was completed someone suggested
"a poker game. Immediately a small
"poker game was started and then some
"person suggested a dice game.
"According to the Constables what
"appeared to be a single movement
"there were about 25 men gathered
"around one of the pool tables
"playing dice. However this was
"only what is known as a 'fade
"game' and no bank was kept. A few
"minutes later some of the occupants
"moved toward the door to leave the
"premises and were detained momentarily
"by Cst. STITT. At this Mr.
"HUMPHRIES spoke to the Constable
"demanding to know whether or not
"the persons were under arrest. On
"being informed that they were not

"under arrest, they were allowed
"to leave.
" From the actions of the persons
"present it would appear that the
"whole affair was well planned
"and rehearsed, as this is the only
"occasion that the persons found
"on the premises have acted in this
"manner during the raids."

/2 MR. WILSON: Shall I file that? I guess it is in the record now.

THE COMMISSIONER: Yes.

MR. WILSON: Q. After the date, did you have any further communications from Mr. Humphrey?

A. No, I do not recall any further communication with Mr. Humphrey at all.

Q. Or any further representations on behalf of the club?

A. No. Mr. Jolley was in Ridgeway; I met him on the street. This is about the time they had closed, and I believe I told him then that the club had moved out, and he at that time did not mention the phone call from Toronto to me, or make any reference to it at all.

Q. I take it there were no further representations made after April 25th?

A. No, not to me, no.

Q. And apart from the individuals

you mentioned, who came to your home in Niagara Falls in December 1957, was there any further effort made to try to influence you, by promising you some gift or other consideration, to dissuade you from what you were doing about the club?

A. No, I do not think so, sir.

Q. You say you do not think so?

A. I do not recall any other representations made to me at all.

Q. Well, now, do I take it from that that you are swearing there were no further efforts made to you, or inducements held out to you?

A. Well, there was a rumour apparently, that circulated, that I could make some money if I held off the club, but I did not.

Q. We have had lots of rumours in this Commission.

A. Yes.

THE COMMISSIONER: Q. Did anyone come to you and say that you could?

A. There was an informer of mine who told me that there were rumours being circulated that I could make some money if I laid off the club, but I did not trust him and I did not pursue the matter any further.

MR. WILSON: Q. And that is the extent of it?

you mentioned, was come to your home in Bayside Hills in December 1957, was there any further effort made to try to influence you, by promising you some gifts or other considerations, to discuss you from what you were going about the claim?

A. No, I do not think so, sir.

Q. Did he ever offer you

A. I do not recall any other representations made to me as yet.

Q. Well, now, if I have it from that that you are accepting those here no further efforts made to you, or inducements held out to you?

A. Well, there was a problem monetarily, that's mentioned, but I could make some money if I held off the case, but I did not.

Q. We have had lots of witnesses in this Committee.

A. Yes.

The CHAIRMAN: Q. Did anyone else to you ever say that you could

A. There was no inducement of some sort like that. Some guy approached me and suggested that I could make some money if I held off the club, but I didn't know who and I did not pursue the matter.

Mr. TUCKER: Q. Was that in the nature of a bet?

A. Yes.

MR. WILSON: That is all, thank you.

EXAMINED BY MR. HOGG:

Q. Chief Johnson, when Jolley telephoned you, did he sound to you scared and worried?

A. No, I did not think that he sounded that way; he sounded more like he had been drinking, quite heavily possibly.

Q. Now, you were satisfied in your own mind that this was a gambling, an illegal gambling house run by a group; in your own mind?

A. I would have to say, sir, that we have no evidence of illegal gambling. We have never found evidence enough to lay charges. Our warrant stated, from observations and reputation.

Q. And you decided the best way to put this out of operation was to constantly raid it?

A. Yes, I did that on instructions of the Police Commission.

Q. And in fact, as a result of your constant raids and observations, it closed

Q. [illegible]

MR. BRIGGS: Does is all, thank you.

EXAMINATION BY MR. [illegible]

Q. [illegible] Lemmon, when [illegible] telephoned you, did he speak to you about [illegible] and [illegible]?

A. No, I was not talking about [illegible] [illegible] at the [illegible] [illegible] [illegible] [illegible].

Q. Now, you were interested in your own mind that there was a problem, or [illegible] [illegible] [illegible] by a [illegible] [illegible] [illegible] [illegible]?

A. I would have to say, sir, that we have no evidence of illegal gambling. We have never found evidence enough to [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible].

Q. Was you involved [illegible] [illegible] to put with one of [illegible] [illegible] to [illegible] [illegible] [illegible]?

A. Yes, I did have an [illegible] of the [illegible] [illegible].

Q. And in fact, as a result of your [illegible] [illegible] [illegible] [illegible], [illegible]

down?

A. Yes, they moved out.

Q. And you have told us about the representations from Humphrey, others, and Mr. McDermott to cease raiding?

A. Well, they did not suggest ceasing raiding; they thought that they should not be as frequent.

THE COMMISSIONER: Q. Perhaps that was during the month, I suppose?

A. That was during the whole time, Mr. Commissioner.

Q. I think you said pending discussion between the Commission and the Attorney-General's Department, the Commission suggested to you to ease ---

A. Up?

Q. Up.

A. The Police Commission were waiting a visit to the Attorney-General's Department. There were no raids carried out at that time.

Q. That is the period you are talking about?

MR. HOGG: Yes.

Q. These raids were made under your direction; your police officers or ---

A. Yes.

Q. You were not beholden to the O.P.P., or not required to take direction from Inspector Bartlett or anybody else in the O.P.P.

Sweet

Q. Yes, they never was.

Q. And you have left us sound the

recommendation from Gompers, Green, and

Mr. Hutcheson in their behalf?

A. Well, they did not support

making anything that because that was really

not be in Jacksonville.

THE CHAIRMAN: Q. Perhaps that

was during the month, I suppose?

A. That was during the month,

Mr. Chairman.

Q. I have you with letting

discussion between the Corporation and the

Amalgamated Association, the Committee

suggested to you to wait ---

A. Yes.

Q. Yes.

Q. The entire Committee was holding

a visit to the Attorney-General's Department.

There was no reply received but it took time.

Q. That is the period you are

referring?

Mr. Sweet: Yes.

Q. Those visits were made under your

direction and your policies or ---

A. Yes.

Q. You were not sensitive to the U.S.W.A.,

or are trusted as some Committee from

Pittsburgh, or anybody else in the U.S.W.A.

Headquarters?

A. No. In fact, the Ontario Provincial Police carried out raids themselves, separate from our raids.

Q. But Bartlett would have no direction over you? He is not a superior of yours?

A. No, he would not.

Q. Why did you want the place closed up?

A. There were many, many stories going around about the place, and we got anonymous letters about it. It had been a thorn in the side of the police previously, before I came there.

Q. On June 24th, did you have a meeting with Sergeant Anderson?

A. On June 24th? Sergeant Anderson?

Q. 1958. And it was decided that the anti-gambling branch would now anticipate in the raids with you?

A. Oh, I believe they had been participating before that, sir.

THE COMMISSIONER: Q. You put it "co-operating". That is the way you put it.

A. The uniformed branch; No.4 district. They also carried these out.

Q. I see.

A. And the anti-gambling squad, I believe, had been carrying out raids on the

club before.

MR. HOGG: Q. Was this shortly before the club closed down?

A. I think they had been carrying out raids on it for some time. Prior to our department taking over.

Q. Now, when Mr. Humphrey came down to see you, you took the precaution to have two sergeants there; two of your senior men?

A. Two sergeants, yes.

Q. And your Force consisted of how many men at the time?

A. Eleven men.

Q. Why did you think it advisable to have two other persons present, Chief?

A. Well, I don't know that there was any particular reason for it. He had attended the Police Commission meeting, he had given us to understand that he was coming alone, and he came with some moral support, so I did the same.

Q. Exhibit 98 has been filed by Mr. Wilson and is a report of Staff Sergeant Anderson. That is, warrants were executed, starting May 30th, 1958, and later listed here, as the 2nd, 6th, 11th, 17th, 25th and that on the second page, in the second paragraph, lists the number of raids that your department conducted (indicating document).

Alan Gibson.

Q. Could you describe the local geography between the Villa Alpina and?

A. I think they had some [illegible] but there is no [illegible] down there. Below the [illegible] terrace over.

Q. Now, when Dr. Hardwick came down to see you, was the [illegible] [illegible] the [illegible] [illegible] [illegible]?

A. The accountant, yes.

Q. And your father commenced at the very end of the [illegible]?

A. Exactly.

Q. Why did you break it suddenly to move two other [illegible] [illegible]?

A. Well, I don't know that every one may [illegible] [illegible] for it. In the [illegible] the Police questioning [illegible], he had given me [illegible] [illegible] be [illegible] alone, and he came with some [illegible] [illegible], so I said the same.

Q. Because he had been [illegible] by Mr. Wilson but is a member of [illegible] [illegible]. That is, [illegible] [illegible], [illegible] [illegible] [illegible], [illegible], and [illegible] [illegible] [illegible], [illegible], [illegible], [illegible], [illegible] and [illegible] on the [illegible] page, in the [illegible] [illegible], [illegible] the [illegible] of [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]).

A. I would have to check this with my reports, sir.

Q. Does it appear to you now to be accurate?

A. I presume it to be accurate.

Q. So, the O.P.P. did not carry out many raids? In fact, relatively few raids.

A. Well, I would think in addition to this, raids were carried out by No.4 district, the uniform branch.

THE COMMISSIONER: ~~Q.~~ That is the list of raids of the anti-gambling squad?

MR. HOGG: Yes.

THE COMMISSIONER:Q. You say in addition to that, the district officers of the O.P.P. ---

A. No.4 district carried out, at the request of the Police Commission.

THE COMMISSIONER: Are there any other questions?

EXAMINED BY MR. REID SCOTT:

Q. I would like to ask you a couple of questions about the telephone conversation from Mr. Jolley.

How long would this have lasted? Can you recall?

A. Oh, it lasted possibly two or three minutes.

Q. I think you said he sounded incoherent; he was muttering and stumbling?

A. Yes, that is right.

Q. You say he talked about the club at that time. Did I understand you correctly?

A. Yes, he talked about the club.

Q. What did he say about it? Can you recall?

A. He called about the raids on it.

Q. What about the raids?

A. The frequency of them.

Q. Was he complaining about the frequency of them?

A. I do not think he was complaining. He seemed to think possibly that we were raiding it too often.

Q. He thought you were raiding it too often?

A. He gave me that impression, sir.

Q. He gave you the impression

Cross-examination by Mr. Gray (Cont'd)

Q. I would like to ask you a couple of questions about the telephone conversation from Mr. Joplin.

How long would this have lasted? Can you recall?

A. Oh, it lasted maybe two or three minutes.

Q. I think you said to Counsel immediately on your entering and sizing-up the situation, that it was relatively easy to do.

A. Yes, that is right.

Q. You say he turned around and also at that time. Did I understand you correctly?

A. Yes, he turned around the side.

Q. What did he say when he did? Can you recall?

A. He called about you really as if.

Q. Does anyone else around?

A. Not anyone, it seems.

Q. Was he complaining about the treatment of Ford?

A. I do not think he was complaining. He seemed to think possibly that we were violating his rule or law.

Q. Do remember you were talking to my friend?

A. He gave me that instruction, sir.

Q. Answer yes or no.

that he thought you were raiding it too often?

A. Yes, that is right.

Q. And you said something - I caught your words, something about a friend wanting to see you?

A. I do not know that he said a friend; or Mr. McDermott. But Mr. McDermott's name was mentioned.

THE COMMISIONER: Q. You did say a friend.

A. I am sorry, sir.

Q. Just a moment; I thought yousaid "a friend".

MR. REID SCOTT: I caught the word, sir.

THE COMMISSIONER:Q. This is thenote I made, and see if I am right. "I knew Mr. Jolley since 1946. In 1958 I had a call from him, for an appointment for Mr.McDermott. This was late in the spring- when he called me, and said a friend or an acquaintance wanted to see me about the club".

A. Well, I could not be sure, sir, whether he mentioned that was a friend, but Mr. McDermott's name was mentioned as having an appointment, or wanting to arrange an appointment with me.

MR. REID SCOTT: Q. Do you recall, did he link up the word "friend" with "McDermott"?

THE COMMISSIONER: He said he is not

MAY-DA-Tsungin pai'nan Ipolitu (i Ian-Jiwan)

A. Yes, that is right.

Q. And you made arrangements - I

mean your wife, arrangements with a Yiman

working to see you?

A. I do not know what he said i s

friends or Mr. Hsiaowen. But Mr. Hsiaowen's

name was mentioned.

THE COMMISSIONER: Q. You did ask a

friend.

A. I am sorry, sir.

Q. Just a moment; I thought yourself

"a friend".

MR. FELIX SCOTT: I compute the word,

sir.

MR. CHARLES [illegible]: Just to [illegible]

I mean, and see if I am right. "I know Mr.

Jolly since 1940. In 1941 I had a call

from him, for an appointment for Mr. Hsiaowen.

This was into in the quarter- when he called

me, and said a friend of an acquaintance

wanted to see me about the club.

A. Well, I could not be sure, sir,

whether he mentioned that was a friend, but

Mr. Hsiaowen's name has mentioned to Jolly

as acquaintance, or meeting to another

appointment also Mr.

MR. FELIX SCOTT: Q. Do you recall,

did he link up the word "friend" with "Hsiaowen"?

THE COMMISSIONER: He said he is not

sure that he used the word "friend".

THE WITNESS: I could not say, sir.

MR. REID SCOTT: Q. What did you say, when he made these complaints about the club, or gave the impression that he thought it was being raided too frequently?

A. I don't know whether he thought, or whether somebody was telling him it was being raided too frequently.

THE COMMISSIONER: Have you got this? The note I made was this: "Jolley telephoned. The conversation lasted two or three minutes. He talked about the club and the frequency of the raids; he seemed to think we were raiding too often".

THE WITNESS: Well, it is possible that he suggested that. It was rather hard to get a coherent story out of it. I was of the opinion at the time that he had been drinking.

MR. REID SCOTT: Q. I appreciate that. When, in the conversation, did he suggest that you see McDermott?

A. Well, I was under the impression that he had called for that express purpose: To make the appointment for me to talk to McDermott.

Q. What did you do about seeing McDermott?

A. I advised him at the outset that

I had nothing to talk to McDermott about; if he wanted to talk about the club, and had any complaints, that he should see my Police Commission.

Q. You say later on in the conversation you agreed to see McDermott?

A. Yes, I did.

Q. Is that at the insistence of Mr. Jolley?

A. I don't know that it would be at the insistence of Mr. Jolley.

THE COMMISSIONER: Q. You yielded finally to the suggestion that you might see McDermott. Is that the way you would put it?

A. I do not know, that as Chief Constable, I can refuse to see anybody who wanted to see me.

MR. REES SCOTT: Q. That is an original suggestion. You then told us that Jolley asked you to call him back?

A. Yes,he did.

Q. Did he say why he wanted you to call him back?

A. No, he did not. He asked me to call him at the hotel that night. He gave me a room number. It was four figures. I don't know what room number it was.

Q. MRi Did he say what he wanted to know, at that time?

A. No, he did not.

I had nothing to say to Mademoiselle Gonzaga. If he wanted to talk about his aims, and his ambitions, that is another matter of taking conversation.

Q. You say there is no conversation you agreed to see Mademoiselle?

A. Yes, I did.

Q. Is that at the instance of Mr. Philip?

A. I don't know that it would be at the instance of Mr. Philip.

MR. MCCARTHY: Q. The witness finally to the suggestion that you there are [illegible]. Is that the way you would put it?

A. I do not know, that is hard [illegible], I can refuse to see anybody you wished to see me.

MR. MCCARTHY: Q. That is an artificial supposition. Did Sam call on Mr. Philip before you to call him Lamb?

A. Yes, he did.

Q. Did he say why he wanted you to call him Lamb?

A. No, he did not. He wanted me to call him at his hotel that night. He gave me a room number. It was four thirty. I don't know what room, but number 15 was.

Q. Did he tell you that he wanted to know, at that time?

A. No, he did not.

Q. Did you gather he wanted to have a report on your interview with McDermott?

A. Not that night, sir, because Mr. McDermott, I take it, was not coming down within the next few days. There was no time mentioned that he came down.

Q. Did not McDermott give you some date?

A. He never came to see me.

MR. REID SCOTT: I think that is all.

MR. ROSE: I have no questions.

MR. WILSON: I have one question.

EXAMINED BY MR. WILSON:

Q. Mr. Hogg suggested that you were having communication with Deputy Commissioner Bartlett. Did you in fact have any communications with him ---

THE COMMISSIONER: No, no, no.

MR. HOGG: I never suggested that.

THE COMMISSIONER: He never suggested that.

MR. WILSON: Why did he use the name?

THE COMMISSIONER: I do not think he did.

MR. HOGG: I was trying to emphasize the

point that this witness would not have had any contact with Deputy Inspector Bartlett or Deputy Commissioner Bartlett, and that Bartlett was not a superior of his, in any way.

THE COMMISSIONER: I did not get any suggestion from Mr. Hogg's question that Bartlett was mixed up in this.

MR. WILSON: Well ---

MR. HOGG: That is the very point I was trying to make, was that he was not connectdd with it.

MR. WILSON: Maybe I was trying to read something else at the same time.

THE COMMISSIONER: Clear it up now.

Q. You did not have any communication with Bartlett?

A. No, not at all.

MR. WILSON: Q. Just a moment. Whom in the O.P.P. did you deal with in this arrangement?

A. Inspector Marsland, Staff Sergeant Hoffman of District No.4 Headquarters, and Sergeant Anderson.

Q. Those were the ones?

A. Yes.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Thank you. Two-fifteen.

---The witness withdrew.

---Whereupon the proceedings were adjourned for luncheon.

(Page 5045 follows)

point that Mr. Wilson would not have

had any reason with Senator Jackson specially

or Deputy Commissioner Ehrlichman, and that

therefore was not a suggestion of ours, is

not true.

THE CHAIRMAN: I did not get the

suggestion from Mr. Hogan's question that

therefore was raised up in him.

Mr. WILSON: Well —

Mr. HOGAN: That is the very point I

was trying to have, was there any

conversation with it.

Mr. WILSON: Before I was getting to that

something else of the same kind.

THE CHAIRMAN: Go ahead.

Q. You did not have any conversation

with Ehrlichman

A. No, not at all.

Mr. WILSON: Just a moment. Then

in the O.E.P. did you just wait in this

arrangement?

Q. Executive Director, that

Congress authorized in the Reorganization

and Employment Act.

Q. There were two cases?

A. Yes.

Mr. WILSON: Then in all, Irvin was

the principal, then Mr. Ehrlichman

—the Assistant Attorney.

—Assistant the Attorney Ehrlichman

for Internal

1/FL

---On resuming at 2:20 o'clock, P.M.

MR. WILSON: I will call R.J.Wright.

ROBERT J. WRIGHT, sworn:

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. I beg your pardon?

Q. Where do you live?

A. 117 Goodersham Drive, Scarborough, Ontario.

Q. You were formerly a member of the Ontario Provincial Police?

A. I was suspended from the Ontario Provincial Police.

Q. You were a member of the Provincial Police at one time?

A. Yes, sir, I was.

Q. When did you join the Force?

A. 1953, sir.

Q. And what branch did you serve in at that time?

A. When I first joined the Provincial Police I was in the Ontario Police College, and then I was --

Q. For how long?

A. I believe it was in March of 1953, and I was in Police College, I believe,

until May of 1953, and then I was posted to the Anti-Gambling Squad in about May of 1953. Around about the first part of May.

Q. Before you joined the Force what was your occupation at the time?

A. Before I joined the Force I was driving a taxi.

Q. In what place?

A. In Toronto, here.

Q. And how long had you been engaged in that occupation?

A. Approximately three months.

Q. How old are you now?

A. Thirty-one.

Q. Before you were a taxi driver what did you do?

A. Prior to being a taxi driver I worked in various butcher shops throughout the City and at Swift Canadian.

MR. LEVY: Mr. Commissioner, excuse me. My name is Earl Levy. I am from Mr. Rose's office. I think Mr. Wright would like to ask for the protection of the Canada Evidence Act and the Ontario Evidence Act.

MR. CARTHY: Mr. Rose did speak to me about this matter and request.

THE COMMISSIONER: Q. Do you want the protection of the Canada Evidence Act?

A. Yes, your lordship, with your lordship's approval, the Canada Evidence Act

and the Ontario Evidence Act.

Q. I do not know how the Ontario Evidence Act applies; however, if you want the protection of the Ontario Evidence Act, you have the protection of both.

A. Thank you, my lord.

Q. That, nevertheless, requires you to tell the truth.

A. I want to assist this Commission in every way I can, your lordship.

Q. I want you to understand, you are required to tell the truth.

A. Yes, your lordship, I realize that.

MR. WILSON: Q. You served with the Anti-Gambling Branch of the Ontario Provincial Police from May of 1953 down to the date of your suspension?

A. No. Would you repeat that question again, please?

Q. After May of 1953 what branch did you serve with, apart from the Anti-Gambling Branch, if any?

A. No other branch, sir. At 1st of January, 1960, I took up regular police duties in Belleville, Ontario, on Highway patrol etc.

Q. I see. So that you left the Anti-Gambling Branch inJanuary of 1960?

A. Yes, sir.

THE COMMISSIONER: At the end of December, 1959.

MR. WILSON: Yes.

Q. The end of December?

A. Well, no. I was to report to District Inspector McDougall in Belleville on the 15th of January, 1960.

THE COMMISSIONER: Q. I thought you said the 1st of January?

A. That was when I received my transfer, and I took up other duties on the 15th of January in Belleville.

MR. WILSON: Q. You were stationed in Belleville from the 15th of January until the date of your arrest?

A. Yes.

Q. And that was May 28th, 1960?

A. What was May 28th, sir?

THE COMMISSIONER: Q. The date you were arrested?

A. Yes, sir.

MR. WILSON: Q. Now, during the period from 1956 to December of 1959, where did you reside?

THE COMMISSIONER: From what date?

MR. WILSON: I am taking from the year 1956.

THE COMMISSIONER: Included?

MR. WILSON: Up to and including

the year 1959.

THE COMMISSIONER: Where did he what?

MR. WILSON: Reside.

Q. Where did you live in 1956, '7, '8 and '9?

A. In 1956 I lived with my parents.

THE COMMISSIONER: Q. Where?

A. At 86 Riverdale Avenue in Toronto.

Q. Just a moment. 86 Riverdale?

A. Avenue, yes.

Q. Yes. And, then, where?

MR. WILSON: I would like to ask the telephone number at that address?

A. Well, there was various telephone numbers at that address, sir.

Q. Do you remember them?

A. No, I do not.

Q. Will you get them for us for tomorrow?

A. I don't know whether I can. I would have to get them from the Bell Telephone sir, and I don't know whether I have the authority to go to the Bell Telephone to get them.

THE COMMISSIONER: Q. Was there only one telephone there?

A. Yes, there was only one telephone.

Q. The number was changed from time

to time. Is that what you mean?

A. Yes, sir.

Q. And where did you go next?

A. In 1957 I lived at 86 Riverdale and in 1958 I lived at 86 Riverdale.

MR. WILSON: Just a minute. At the 1957 address, what was the telephone number?

A. Well, from the period of 1956 until I left 86 Riverdale the telephone had changed. I don't recall the number. I can tell you what the number is now, but I don't what it was back then.

THE COMMISSIONER: Never mind now.

Q. What years did you live at 86 Riverdale Avenue?

A. 1957, 1956 and 1958 up until the time of my marriage.

Q. When was that?

A. It was March 22, 1958.

Q. Where did you live then?

A. I then lived at 117 Gooderham Drive.

Q. Where you presently live?

A. Yes, sir.

MR. WILSON: Q. Has the number been changed there since you first moved there?

A. This is a two-story residence. There was a basement apartment and I live in the basement apartment. And upstairs there is a telephone that I believe is the same number

that has been there ever since the people lived there.

Q. Did you have a telephone when you were there after your marriage?

A. Yes, I did.

Q. What was the number then?

A. In 1958 -- I believe the number was -- I would only be guessing because I don't actually recall the exact number.

Q. How long did you continue to live at that address?

THE COMMISSIONER: He is still there.

THE WITNESS: I left there when I was transferred.

MR. WILSON: He did leave there, Mr. Commissioner.

Q. Did you stay there until you were transferred to Belleville?

A. Yes, sir, I did.

Q. Who occupied the upstairs at this address after your marriage, at this residence on Gooderham?

A. My brother and his wife and family.

Q. Are they still there?

A. Yes sir.

Q. After you moved to Belleville, where did you reside in Belleville?

A. 44 Highland Avenue, I believe. It was an older dwelling house, converted into

apartments.

Q. What was the telephone number there?

A. It was Woodland 2-

Q. 5705?

A. Yes, I believe that was the number.

Q. Did you reside there with -- Or, did Constable Wood reside in the same house?

A. Well, just a minute. You are getting me confused, sir.

Q. Tell me who resided in this house you moved into in Belleville?

A. My wife and I resided at our apartment.

Q. Who else occupied the apartments?

A. Nobody else. Mind you, when I was first transferred to Belleville on the 15th of January, I did live with a Constable Wood. That was by myself. I took up residence there temporarily until such time as I could get my wife moved down to Belleville.

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Q. You temporarily lived there with Constable Wood?

A. Yes, I had a room.

Q. What was the number there, Woodland 2-5705?

A. I believe that was Constable Wood's telephone number. I said

before that was mine.

Q. I take it you used that phone or had the use of it?

A. Yes, sir, I did.

Q. And you moved out at what date to another location?

A. It would be in February of 1960. It would be about the middle of February, I believe.

Q. Where did you move to?

A. 44 Highland Avenue, in Belleville.

THE COMMISSIONER: Q. Where was this house that you lived with Wood, what street was it on?

A. It was on, I believe, east Moira or West Moira. I am not sure whether it was east or west.

Q. Moira what?

A. Moira, M-o-i-r-a.

Q. In February, 1960, you moved to 44 Highland?

A. Yes.

MR. WILSON: Q. What was the telephone number at 44 Highland Avenue?

A. It was a Woodland exchange. Woodland 2 --

Q. Wasn't it Woodland 8-6223?

A. Yes, it could have been. I can't recall exactly, sir, but it could be

that. That sounds familiar.

THE COMMISSIONER: What number did you say?

MR. WILSON: I suggested Woodland 8-6223.

A. Yes, it could be that.

Q. Do you recall the telephone number of your detachment headquarters in Peterborough (sic)?

A. Pardon?

Q. At least, in Belleville? I amsorry.

A. What is the question again?

Q. What was the telephone number at your district headquarters where you were located in Belleville?

A. It was -- I believe it was Woodland 2-5 -- 5507, I think it was now. I am just guessing, again.

Q. I suggest it was Woodland 8-5507?

A. Well, I am just guessing, sir.

THE COMMISSIONER: Q. Woodland 8- 5-1

A. Woodland 8-5507.

MR. WILSON: Q. At 44 Highland Avenue you were in apartment Number 3, were you not?

A. Either apartment 3 or apartment 2. I don't know the exact apartment.

Q. Did you continue to reside at 44 Highland Avenue until you were arrested on May 28th, 1960?

A. Yes, I did.

Q. While you were in Belleville, in the beginning of January, 1960, up until the 28th of May, 1960, did you have occasion to use pay phones in that area, in the area of Belleville?

A. Yes, I did.

Q. And for what purposes?

A. Well, sometimes I would call the Detachment, sometimes I would call to Roy Woods' house, sometimes I would call to Toronto.

Q. And who would you --

A. Just as anybody used the pay phones.

Q. I am not saying there is anything about using a pay phone. Who would you call in Toronto from the pay phones in the Belleville area?

A. From pay phones I would sometimes call my relations, I would call Constable Scott, I would call McDermott -- Well, various people I would call.

Q.Now, how long had you known Joseph McDermott?

A. How do you mean, how long did I know Joseph McDermott?

Q. Well, when did you first meet him?

A. The first time I met him was in the Centre Road Vets' Club in Cooksville.

Q. In what year?

A. Well, I am only guessing, because it would be on raids. There was several raids we conducted at these premises. It could have been away back, 1954, '55. I am just guessing again because I am not sure.

Q. At that time did you see him from time to time?

A. No, I did not. I never saw Mr. McDermott until my arrest.

Q. Until your arrest?

A. Yes.

Q. Is this McDermott you called from one of the pay phones in Belleville Joseph McDermott?

A. He would be McDermott, the person referred to here at this Crime probe.

Q. That is, Joseph McDermott?

A. Yes.

Q. And after these raids in Cooksville you never saw him again until the time of your arrest in Belleville?

A. I saw him several times in the club.

Q. Did you communicate with him

by the telephone from the time of these raids up until the time of your arrest?

A. I would say that --

Q. You fixed the date of the raid on the Centre Road Club as when you first met him?

A. The first time I saw him, yes.

Q. Or, saw him?

A. Yes.

Q. And thatwas in 1954?

A. 1954. Somewhere around there, I can't exactly say the year.

Q. From that time up to May 28th, 1960, if I followed your evidence, you said you never met him again?

A. Unless I saw him at raids at the club.

Q. Unless you saw him on raids. You never saw him outside of any location where the raid went on inthat period of time?

A. No, sir.

Q. I am asking you now whether between this time in 1954 and May 28th,1960, whether you had telephone conversations with Joseph McDermott?

A. In what period is this, again?

THE COMMISSIONER: Q. From the time you first met him at the raid in 1954 or '55

until you were arrested, did you ever talk to him on the phone?

A. I talked to him on the phone after my transfer to Belleville.

MR. WILSON: Q. What were you talking to him on the phone about after your transfer to Belleville?

A. Well, I decided to do an investigation of my own, and the only persons I could decide to start with would be Joseph McDermott because he was the alleged king pin in gambling in Ontario, and this had been preached to me from the time I joined the Anti-Gambling Squad, and I see now it is preached here at the Royal Commission.

THE COMMISSIONER: Q. What is that?

A. McDermott is reputed to be the king pin of gambling at this Royal Commission, as well as what we thought of him in the Anti-Gambling Squad.

MR. WILSON: Q. What was this investigation you say you decided on?

A. Well, I decided to investigate leaks on the Anti-Gambling Squad.

Q. From Belleville?

A. Yes, that is correct.

Q. Yes.

A. Just a minute, would you repeat that again? The leaks on the Anti-Gambling Squad?

Q.That is right. I heard your answer.

THE COMMISSIONER: He is not sure that he understood your question, and he thinks maybe the answer is wrong.

MR. WILSON: Q. This is after you had been transferred to Belleville you made up your mind to investigate the Anti-Gambling Squad?

A. That is correct.

Q. Did you consult with any of your fellow officers or your superiors in the Force?

A. There wasn't a human on that force I could trust, that is why I didn't consult anyone on the force.

Q. You didnot consult anybody on the Ontario Provincial Police about this plan?

A. No, sir, other than Mr Roy Wood. I told him I was doing a special investigation but I didn't tell him what it was about.

Q. As part of your plan you say you communicated with Joseph McDermott?

A. That is correct.

Q. When did you first communicate withJoseph McDermott?

A. I would say it would be in January -- exactly when in January, I do not know.

THE COMMISSIONER: Q. What year?

A. In January of 1960.

Q. How?

A. By telephone.

MR. WILSON: Q. And would you make any -- This call, this first call, would it be from your residence or from some other phone?

A. It would be from a pay phone.

Q. Tell us what the first conversation was you had with Joseph McDermott?

A. The first conversation with Joseph McDermott. Well, I was quite upset about my transfer at the time and, according to Corporal Shrubb and Sergeant Anderson, they were constantly -- there was constant gossip that McDermott knew more about what the squad was doing than we knew ourselves, and I decided I would start with McDermott for this reason.

Q. What did you say to McDermott?

A. The first thing I said to McDermott. I said I was on the Anti-Gambling Squad and I could be of help to him.

Q. What help did you say you could be to him?

A. What help? I told him I could give him information on the policy of the Anti-Gambling Squad, and he thought I was on the Anti-Gambling Squad, and I told him that.

Q. You told him you were on the squad?

A. Yes.

Q. Even though you had been transferred?

A. Yes

Q. This man who knew more about what wasgoing on than you did did not know you had been transferred?

A. He did find out. Later on during my investigation he confronted me on the telephone, he said, "You aren't kidding me". Hetold me that.

Q. Tell us the rest of the conversation on this first call?

A. Itwas very brief, if I can recall the discussion, about the weather, and he discussed about politics. And he said he wasn't going to get involved with any plot of the O.P.P. I can't exactly recall the conversation, but it was along those lines. He was very, very evasive any time I talked to him.

Q. Can you fix the date of that call?

A. I can't fix the exact date, but I can fix the approximate time. It would be, I would think, about a week or so after I received my transfer.

Q. Was this before or after you had had some meetings with Constable George Scott?

A. This would be -- I called McDermott before I called Constable George Scott.

Q. And did you come to any arrangement on this first call?

A. No arrangement at all.

Q. And how was it left after that first call?

A. It wasn't left in any way, other than he told me not to be bothering him with -- In fact he told me that, "All you fellows is trying to do is cancel our charter out here at Cooksville and I don't want no part of it". In fact, if I recall, I think he hung up on me. I think.

Q. Did he refuse to entertain a deal whereby you would give him information about the policy of the Anti-Gambling Branch?

A. He said that it was some kind of a plan to cancel the charter at the Vets Club.

Q. That was your first call?

A. That is correct.

Q. When was your next call?

A. Well, the next call would be, maybe, a day or two later, probably. I am only guessing, again.

Q. Would that be, again, from a pay phone?

A. Yes, it would be.

Q. By the way, what number did you call on the first occasion?

A. I called Joseph McDermott's number.

Q. Do you know the number? Was it a Crescent number in Port Credit?

A. Yes, it was. It was

Crescent 8-3783 .

Q. This next call, you say, was a couple of days later. To what number was the call made?

A. It was made to the same number.

Q. What was the discussion on that occasion?

A. It would be along the same lines. I tried to sell myself to him, that I was prepared to give him policy and information on the Anti-Gambling Squad.

Q. What was his answer on that occasion?

A. He, again -- He declined to make any -- to enter into, actually, to any deal, or anything. He said, "Don't be bothering me. I know its all part of the plot of the O.P.P. to get me involved and get the club charter cancelled at Cooksville".

Q. How did you know McDermott's phone number?

A. Well, we -- I say "we", myself and officers of the Anti-Gambling Branch, at random we would take down suspected -- we would get leads on suspected bookmakers and gamblers and take a search warrant out and check their telephone numbers, and McDermott's was one that was checked very often.

Q. You have told us about two

calls. When was the next one?

A. It could have been a week later, it could have been a few days later. There were several calls, because I used to call him quite often.

Q. The next one, was it also from a pay phone?

A. Yes, I believe I made nearly all my calls to him from the pay phone.

Q. Where were these pay phones located in Belleville you made your calls from?

A. Some of these calls I made from Toronto before my effective transfer took place. I made these before I actually took up duty in Belleville. This would be between the period of the 1st of January and the 15th of January.

Q. Well, in other words, you tried to make this arrangement with McDermott before you actually left Toronto?

A. That is correct.

Q. When the 15th of January had arrived, and you were actually moved to Belleville, had you arrived at a deal with him?

A. Arrived at no deal with him, no, sir.

Q. When you got to Belleville, you continued to call him regularly. Is that correct?

A. Yes, I did.

Q. You say these calls were from pay phones in the Belleville area?

A. Yes, sir.

Q. Where were these pay phones located that you made these calls from, as you recall?

A. Oh, various spots, sir. They would be anywhere in the City of Belleville. If I just happened to be by a payphone I would call him and if it came to my mind I would call him.

Q. You cannot remember the location of any of them?

A. Yes, I can recall where some of them might be. There was pay phones out near a couple of restaurants, out near the highway. There was pay phones in the western part of Belleville, the eastern part of Belleville. Various points in Belleville.

THE COMMISSIONER: Q. What time of the day did you call him?

A. I would call him sometimes in the day time and sometimes in the evening.

MR. WILSON: Q. Now, did you continue to make your calls after January the 15th, 1960, to Joseph McDermott?

A. Yes, I did.

Q. And did you arrive at any arrangement with Mr Joseph McDermott?

A. No, I did not.

Q. Well, why would you keep on calling him?

A. I was trying to gain his confidence and sell him with the idea I was going to provide him with information about the Anti-Gambling Squad.

Q. This investigation you were embarking on, what were you hoping to achieve?

A. I was hoping to expose those responsible for my transfer, and also those who might be involved in any corruption on the Anti-Gambling Branch.

Q. You were not trying to expose Joseph McDermott?

A. No. All along we suspected he was a gambler and it was alleged he was the king pin from the time I started there.

Q. Who were these people who were responsible for your transfer?

A. That I do not know to this day. I know Commissioner Clark was, George Scott was and Assistant Commissioner Kennedy was.

Q. What was given as the reason for your transfer at the time it was made?

A. To enable me to take up regular police duties. In fact, I took the transfer and threw it in the basket and when I was arrested Inspector Graham seized it and made a snide remark about it.

Q. Before you left the

Anti-Gambling Branch were you suspicious of all the members? I take it you must have been if you were suspicious of everybody on the Force?

A. I wasn't suspicious of the general men on the force; I was suspicious of the Anti-Gambling Squad and the office of the Commissioner, and that's who I was suspicious of.

THE COMMISSIONER: Just a moment.

Q. You were suspicious of the Commissioner?

A. Yes, sir, I was.

Q. What is his name?

A. W.H.Clark.

Q. Yes. Who else?

A. Well, anybody in the general headquarters.

Q. Tell me, who were they that you were suspicious of?

A. There was Commissioner Clark I was suspicious of Anderson.

MR. WILSON: Q. Just go slowly. Sergeant Anderson you are talking about?

A. Yes.

THE COMMISSIONER: Q. Yes.

A. I was suspicious of Constable Moore, Constable Scott, Constable Vertolli, Constable Kobelka, Constable Lamorie, Constable Lawrence, and there were other officers

in the Commissioner's office that Shrubb had told me he has his suspicions of.

THE COMMISSIONER: Q. Never mind about who Shrubb was suspicious of, just who you were suspicious of. I want to get their names down.

A. Mr. Phelps, the late Commissioner.

Q. McNeil?

A. Yes, sir. The late Deputy Commissioner, Lougheed.

Q. Yes?

A. I believe that is all I can recall that were there at the time.

Q. Just take your time and tell me all those you were suspicious of. Do you want me to repeat them to you?

A. Yes, if you do not mind.

Q. Commissioner Clark?

A. May I write them down?

Q.Haven't you a good memory?

A. No, sir, when it comes to names, I haven't a very good memory.

Q. You are going to be relying on your memory on a good many occasions during the course of your evidence. Now, just trust your memory now. Commissioner Clark?

A. Yes, sir.

Q. Sergeant Anderson?

A. Yes, sir.

Q. Constable Moore?

A. Yes, sir.

Q. Constable Scott?

A. Yes, sir.

Q. Constable Vertolli?

A. Yes, sir.

Q. Constable Kobelka?

A. Yes, sir.

Q. Lamorie?

A. Yes, sir.

Q. Lawrence?

A. Yes, sir.

Q. Phelps?

A. Yes, sir.

Q. Commissioner McNeil?

A. Yes, sir.

Q. And Assistant Commissioner Lougheed?

A. Yes, sir.

Q. Now, anybody else?

A. I believe that is all, sir.

Q. You do not include Bartlett, I notice?

A. No. Bartlett. I have had no suspicions of Bartlett whatsoever.

Q. You have no suspicions of Bartlett. All right. Have we got them all?

A. Excuse me, if I may, your lordship: Deputy Bartlett had no connection with our Anti-Gambling Branch. We

answered either toCommissioner Clark or Commissioner Kennedy.

Q. I want to get all these on the force of whom you were suspicious, whether they were on the Anti-Gambling Squad, or what. Clark was not on the Anti-Gambling Squad?

A. He was in charge of the Force, sir.

Q. He was not on the squad?

A. No, sir.

Q. And the late Commissioner McNeil, nor Lougheed?

A. I know, but we answered to them.

Q. I know you answered to them. But, tell me everybody on the Force of whom you were suspicious, exhaust them all?

A. I believe that is all, sir.

Q. That is all, all right.

Go ahead, Mr. Wilson.

MR. WILSON: Q. I take it you had confidence in Corporal Shrubb?

A. Yes, Corporal Shrubb, was to my estimation, a very good officer and when he left there he told me he had concrete proof on these people and showed me telephone stuff, telephone photostats about various people, and he told me he had concrete proof.

Q. On whom --

THE COMMISSIONER: Q. We will get

that in due course, if you say it exists. You had confidence in Shrubb. Who else did you have confidence in?

MR. WILSON: Q. What about Napolitano, you have not mentioned him?

A. I am sorry, there is another officer on the squad. He was on the squad at the time I was on there, too.

THE COMMISSIONER: Q. Were you suspicious of him?

A. Yes, sir, I was suspicious of every member of our squad.

MR. WILSON: Q. Shrubb was a member of your squad up to the end of 1958, wasn't he?

A. Yes, he was.

Q. Were you suspicious of him?

A. No, sir. It was him that told me a lot of things that helped confirm my suspicions.

Q. When did you first get these suspicions of your associates on the force?

A. Well, it is going to take a long time for me to tell you.

THE COMMISSIONER: Q. Well, we will give you the time.

A. Okay.

It started off at the time of the raid on the Ramsay Club in Niagara Falls.

MR. WILSON: Q. That was August 18, 1958.

A. That is correct, sir. In fact, I was officer-in-charge. Anderson and I were officers-in-charge of that raid.

THE COMMISSIONER: What date, Mr. Wilson?

MR. WILSON: August 18, 1958.

THE COMMISSIONER: Q. All right.

A. We put a lot of hard work into that case.

Q. Never mind that, we just want to know when you first became suspicious?

A. Well,it started about this time and prior to that a few months when we were ordered to stop raiding the Cooksville Club. We could raid them every night until we put them out of business. And Sergeant Anderson said, "You can't because of the higher-ups". We used to raid it and all of a sudden we got instructions not to raid it any more.

Q. Your suspicions started on about August, 1958?

A. Yes, sir.

Q. You became suspicious of who at that time?

A. At that time I became suspicious of Anderson.

MR. WILSON: Q. Why?

A. Because when we were prosecuting the Ramsay Club in Niagara Falls, Anderson and I would be sitting beside the Crown Attorney,

Mr. Forestell, and when it came for me to go into the witness box the lawyer who was defending that club at the time, a lawyer from St. Catharines, apparently said to Sergeant Anderson that himself -- that is, Sergeant Anderson -- and myself were McDermott's stooges. At that time -- You hear these things over a period of years and you just brush them off. Now, then, --

Q. Well, --

THE COMMISSIONER: Just a moment.

Q. This was in the Courtroom, was it?

A. Yes, sir, this was just as I was going to take the box.

Q. In the Courtroom?

A. Yes, sir.

Q. You and Anderson were sitting beside Crown Attorney Forestell?

A. Yes, sir.

Q. When the lawyer for the defence turned to Forestell and said you and Anderson were McDermott's Stooges. Is that what you are saying?

A. That is correct, sir.

Q. You would resent that, wouldn't you?

A. Well, I certainly did, sir. Yes.

Q. How did you express your

resentment?

A. Sergeant Anderson and I submitted a memorandum to the Commissioner to sue Mr. Fleming because these statements were made inthe presence of Crown Attorney Forestell and Magistrate Hallett. And Crown AttorneyForestell phoned Sergeant Anderson and said that these statements were made in the presence of these people and he phoned Sergeant Anderson and told him those remarks. And Sergeant Anderson prepared a memorandum to be sent to the Commissioner asking for the right to sue.

Q. You and Sergeant Anderson . Both police officers were inthe Courtroom when this lawyer slaundered you?

A. Yes.

Q. You say he was telling Crown Attorney Forestell that you and Sergeant Anderson were McDermott's stooges?

A. I didn't hear it at the time, I heard it --

Q. I thought you said you did?

A. I was just taking the witness stand and the remark was made to Sergeant Anderson.

Q. And you heard it?

A. I didn't hear the remark. Sergeant Anderson told me that was said when I was taking the witness stand.

Q. You did not hear the lawyer make that remark?

A. No, sir, I did not.

Q. Anderson told you that?

A. Yes, sir.

Q. When?

A. As I was taking the witness stand at the beginning of the trial.

Q. You and Anderson had been sitting beside the Crown Attorney, if I understand, and I want to get the picture exact?

A. Yes, sir.

Q. And sitting in the Courtroom, I suppose, at a counsel table beside the Crown attorney?

A. That is correct, sir.

Q. It came time for you to go in the witness box?

A. Yes, sir.

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Q. And youheaded for the witness box?

A. Yes. I was sitting like these counsel are here, and got up from the table and walked the same distance, approximately from here to here (indicating), and he turned to Sergeant Anderson when I was in the process of getting into the box and whispered this in Sergeant Anderson's ear.

Q. He whispered it to him?

A. I didn't hear it. Sergeant Anderson told me that is what he said.

Q. When did Anderson tell you?

A. After -- I believe it was at adjournment at dinner time. Excuse me, sir, I have a copy of that exact thing I could probably refer to.

Q. No, never mind referring to that. Now, when did Anderson tell you about it?

A. I can't be sure whether it was the noon recess or just when it was said. It's some time ago. But, I would like to refer to this.

Q. Sergeant Anderson told you about it during a recess?

A. Yes.

Q. Are you sure of that?

A. Reasonably sure. I don't want to swear to it because I am not sure unless I refer to it.

Q. Well, you have already sworn to it.

A. Well, I shouldn't have sworn to it.

Q. Do you want to change it?

A. Yes.

Q. Change it whatever way you want.

A. I would prefer not to swear to it because it may not have been at the recess. If you would allow me to refer to this.

Q. No, not at the moment.

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THE COMMISSIONER: Q. You didn't hear it?

A. No, sir, I did not hear it.

Q. You were on your way to the witness box and some time later Anderson told you about it?

A. That is correct, sir.

Q. Now, how soon after you had left the witness box did Anderson tell you about it?

A. It would be when nobody was around, so we must have been adjourned for a recess. We weren't in the Court or we could have been in the Court gathering our stuff to go for the recess.

Q. He told you when there was no one around?

A. That is correct.

Q. Was it the same day?

A. Yes, sir. Maybe I am confusing your lordship. It happened on two occasions it was said.

Q. I am only talking about the first occasion upon which it happened.

A. Yes, sir.

Q. What was your reaction as soon as Anderson told you?

A. Well, they denied it and the same as Anderson denied it, and said it was just part of their scheme to upset us in the witness box.

Q. It was a reflection on your character?

A. Yes, sir, it was.

Q. How did you express your resentment

about it?

A. We thought ---

Q. Never mind what we thought. What did you do?

A. At that exact time I didn't do anything, sir.

THE COMMISSIONER: Now, Mr. Wilson, I have been usurping your function. Go ahead.

MR. WILSON: Q. When you say Anderson denied it, a moment ago, what did he deny?

A. That him and I were McDermott's stooges.

Q. I see. And you were aware of this Ramsay Club brief at the time of the raid on August the 18th, 1958?

A. Yes, sir.

Q. Who did you understand was the author of that, at that time?

A. At the time the author of the brief, we thought it was somebody in the legal profession had drafted it because there was a discussion with Anderson and Shrubb and myself, that it was drafted by the legal trade, because it set out in the brief -- in fact, it was one, I thought, it would be one of the best briefs we ever had to follow in putting a gaming club out of business.

Q. As of that date, August the 18th, 1958, you knew McDermott was, as you called him, the kingpin of the gamblers?

A. I suspected he was, yes.

Q. You knew he had no interest in this Ramsay Club, didn't you?

A. Yes. I didn't know for a fact, but I didn't think he had because we thought it was a rival organization, so-called.

Q. You thought it was a rival organization?

A. Yes, sir.

Q. What club had McDermott been in, in that area, just prior to this time, to your knowledge? It was what club?

A. I have no knowledge.

Q. You know the Frontier Club?

A. The which?

Q. The Frontier Club at Port Erie in Bertie Township?

A. You mean the Ramsay Club?

Q. Oh, no.

THE COMMISSIONER: Q. You thought the Ramsay Club, which you raided on August 13th, 1958, was a rival organization of some club that McDermott had. That is what you told us?

A. That is correct, sir.

Q. What was the club that he had?

A. We didn't know. I didn't know what club he had, sir.

Q. You didn't know what club he had?

A. We suspected that he did have an interest in a club in Port Erie, prior to this club here, which was also the Ramsay Club.

It was the same club.

Q. You thought the Ramsay Club, which you raided on August 18th, was run by a rival organization to McDermott; is that what you are swearing?

A. That is correct, sir, through the three thieves. Not just McDermott. We referred to them, in the squad, as the three thieves.

Q. You say you don't know where this other organization was operating at the time?

A. No, the other organization, sir, was the Ramsay Club.

Q. I don't care by what name it was known, it was an organization McDermott was operating, and his rival was the Ramsay Club that you raided on August the 18th?

A. You are getting me confused, sir. Would you repeat that?

Q. I am not trying to confuse you at all. You just swore that it was your opinion that the Ramsay Club that you raided on August the 18th, was operating as a rival organization to one that McDermott was interested in?

A. That is correct, sir.

Q. Now, where was the one that he was interested in?

A. Well, there wasn't one at all at that time.

Q. Then it wasn't operating as a rival

of his if it was out of existence?

A. Well, we had the opinion. That was just an opinion and talk on the squad.

Q. You are not stupid at all.

A. Well, sir, I don't understand you. We suspected that the Ramsay Club was operating in opposition to the three thieves.

Q. All right. The three thieves, what?

A. To their interest.

Q. Where?

A. In the area.

Q. What area?

A. Niagara Falls area.

Q. All right. Now, what interest did they have in the Niagara Falls area?

A. I do not know any interest they had in the Niagara Falls area.

Q. Are you swearing to that?

A. Yes, sir. At that time they did not have any interest. I think what they were trying to do at the time was to take control in that area.

Q. Of what?

A. Of the gambling interest.

Q. What gambling interest?

A. The Ramsay Club.

Q. Yes?

A. The Ramsay Club.

Q. Any others?

A. Well, possibly bookmaking. We always

suspected they were involved in bookmaking.

Q. All right, what bookmaking establishments did you think they were trying to take possession of?

A. Myself, I have no idea, sir. I might just point out, that at the time when Corporal Shrubb had left the squad, he did all the telephone checks, checking telephones for the province.

Q. He was still on the squad at that time, wasn't he?

A. Yes, sir.

Q. All right, now, let us not get things confused. You don't want to be confused, do you?

A. No, sir, I do not.

Q. Neither do I. We are talking about the date you raided the club on August 18th.

A. Yes, sir.

THE COMMISSIONER: I was trying to keep him to that, Mr. Wilson.

MR. WILSON: Yes.

Q. Now, were you ever in on a raid on the Frontier Club in Bertie Township?

A. The Frontier Club?

Q. Well, you know it by some other name. Do you know any other gambling establishment in Bertie Township?

A. Yes, the Ramsay Club was in Bertie Township, and the Lorelei Club, and I believe

it changed to the Ramsay Club.

Q. Yes. What did it change to after that?

A. I am not sure. I think it changed to the Merchant Seamen's.

Q. What did it change to after that, in 1957?

A. The Frontier Club. That is correct.

Q. Yes?

A. Yes, sir.

Q. And the Frontier Club was reputed to be a club that McDermott had an interest in, wasn't it?

A. Yes, there was gossip among the squad to that effect, yes.

THE COMMISSIONER: Q. Was that the one that was in opposition to the Ramsay Club?

A. I don't believe that club was operating at the time because the BertieTownship police -- the Bertie Township formed its own police department and they raided that club and put that club out of business.

MR. WILSON: Q. The information is that it went out of business in July, 1958. But that is the rival one where the McDermott interests had their operation up until July, 1958, at the Frontier Club?

A. There was gossip and suspicion that they did, yes. They had an interest in it. They didn't run it or anything, but-

we were under the impression they did have an interest in it, that is correct.

Q. Now, coming back to the Ramsay Club. As a result of what you have told us you became suspicious of whom?

A. Of Anderson.

Q. Of Anderson. And what was it that Anderson did or didn't do that made pu suspicious?

A. Because when we submitted this memorandum to the Commissioner, to ask for permission to sue, on instructions -- not instructions, but on a telephone conversation from Mr. Forestell. We never did receive a reply from that memorandum, and I asked Sergeant Anderson about it and he seemed very vague and he just brushed it off.

Q. Now, you mentioned the brief. Who did you say you discussed it with and thought it was such a wonderful effort?

A. Sergeant Anderson, Constable Scott and officers on the raiding party.

Q. What about Shrubb? Did you discuss it with Shrubb?

A. Yes, I believe Shrubb. In fact, I think he was on his holidays and that is why he wasn't in charge of the raid. I am guessing again, but I am trying to do the best I can. I believe he was on his holidays, but he made a remark that he could have put the club out of business, himself, on the information he

received from the three thieves.

Q. When did you discuss the brief with Shrubb? Before or after the raid?

A. I think that we received the brief about two weeks before the raid. I am guessing again, but approximately a couple of weeks before the raid, and I believe he was going to go on his holidays and it would be raided around that period, around, say, the 1st of August of that year. Somewhere in that period.

THE COMMISSIONER: Q. That what?

A. That I discussed it with Shrubb.

MR. WILSON: Q. That is before he went on his holidays?

A. I believe it was before he went on his holidays, yes.

Q. He wasn't around on August the 18th?

A. I don't think he was, sir, no.

Q. That is when you became suspicious of Anderson. Now, what is the next person you became suspicious of, and why?

A. I became suspicious of Constable Scott.

Q. What were your reasons?

A. There were three or four reasons. One reason was back in '50 -- either 1959, I believe it was, that we had planned joint raids in the City of Toronto, in the City of Guelph, and the New York State Police also had planned raids over in New York State, I

believe in Buffalo and Niagara Falls, New York. And myself, I raided a premises in Toronto, here, and other officers raided those premises in Guelph. In Guelph, one is a convicted bookmaker I know of.

Q. Were you there?

A. No, sir, I wasn't there, but I was told there had been a tip-off.

Q. You were told there had been a tip-off?

A. Yes, sir. In fact, Constable Scott phoned me, and Anderson and I discussed it.

Q. Constable Scott phoned you, do you say?

A. I don't think -- he told me -- I think what happened that time, I believe we were all going hunting on the Saturday. I believe I didn't see Scott until the next day, when we were hunting, and he told me at the time there had been a tip-off in Guelph, on those premises -- Silvestor or Silvester. And this Silvester, I believe, had his mother -- Scott told me once, his mother lived in the house of Silvester and pays the rent to the Silvesters.

MR. WILSON: Q. That is the reason you became suspicious of Scott?

A. That is one reason, sir.

Q. What is another reason?

A. Another reason is, when we split up --

when I was split up, we used to check telephone records all over the province.

THE COMMISSIONER: Q. Who?

A. Moore, Scott and myself. What we did was to take a certain area so we would get more work done, rather than take a big area. I was left in charge of the City of Toronto, and Shrubb -- not Shrubb, but Moore had the Niagara Peninsula, I believe, and Hamilton. Scott had London, Windsor, up in that area.

Q. What were you doing?

A. Checking the Bell Telephone records. We would obtain a warrant to search and check all the records relating to a telephone number of a suspected bookmaker. Now, Scott would not raid at all in Guelph. He said, "When it comes to a raid, keep me out of it. I want no part of a raid inGuelph." He didn't mind checking the records there, but didn't want to go on raids there. I recall one incident of a raid and he was away working in Cornwall, I believe, undercover, and Corporal Shrubb and I raided some premises, I believe, in 1954, and the only two people who knew of the raid was Anderson, Shrubb and myself. Scott was out of town and we raided and obtained the evidence and convicted this Mr. Silvester. When Scott was informed and knew that the raids were going on, we never did obtain any evidence. I do think this Commission should

investigate Constable Scott thoroughly.

MR. WILSON: Q. Have you any other reasons for being suspicious of Constable Scott?

A. Well, him and a partner, they had a loan company in Guelph, there. This partner or some friend of his worked in a bank and apparently, when people walk into the bank for a small loan, this fellow, partner in the bank, would steer the business to Scott and this other man's loan company, and they would loan money out at an interest.

THE COMMISSIONER: Q. Who told you that?

A. Scott.

MR. WILSON: Q. Yes. Any other reason for being suspicious of Scott?

A. May I refer to my notes?

THE COMMISSIONER: Q. Can't you remember?

A. I believe that ---

Q. That covers the ground?

A. Yes, sir.

MR. WINDN: Q. Was there anybody else you got suspicious about? You told us about Anderson and Scott. Now, who else?

A. Well, I was suspicious of -- there was somebody I felt was tipping off the gamblers and I didn't know who it was.

Q. You were, I take it, apart from what remarks you have made about Shrubb, the only honest man on the anti-gambling squad, say, in 1958?

A. I beg your pardon, sir?

Q. Apart from yourself, the only other honest man on the squad was Shrubb. Was that about it?

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A. Shrubb was a very efficient police officer.

THE COMMISSIONER: Q. He was the only other honest man on the squad, besides yourself?

A. Back in 1958 I had no suspicions. These different things added up over a period of time until I was transferred, and then I thought of those suspicions.

MR. WILSON: Q. Do you want to change your story?

A. It isn't a story, sir, I am telling the truth.

Q. You became suspicious of Anderson in 1958?

A. Yes, that is correct.

Q. So you did have suspicions in 1958?

A. Yes, but as I say, I dismissed them from my mind.

THE COMMISSIONER: Q. You what?

A. I dismissed them from my mind at that time in 1958.

Q. Why?

A. Everything seemed all right in it until, up until 1959 and my transfer.

Q. You became suspicious of a fellow officer in 1958, but you banished the suspicion

from your mind; is that right?

A. I didn't banish them. I had them in the background of my mind. I thought I could be wrong.

Q. Everything went all right until when?

A. Until that tip-off at Guelph.

Q. And then you became suspicious of Scott?

A. Yes, sir.

Q. All right, now, we have the names and dates of two. Who is the next one you became suspicious of?

A. Well, then, over the years we used ---

Q. I would like to know who the next one was. Does nothing stand out in your mind?

A. The Commissioner's office.

MR. WILSON: Q. When did you become suspicious of the Commissioner's office?

A. There was several times we would contact ---

Q. What year are we talking about?

A. Now I am talking about 1955, '56, '57, '58 and '59.

Q. Now, just a moment ago you said you had no suspicions prior to 1959.

THE COMMISSIONER: 1958.

MR. WILSON: Which is it?

THE COMMISSIONER: 1958.

Anderson in August of 1958.

MR. WILSON: Yes, in August of 1958.

Q. You said you had no suspicions prior to August of 1958?

A. I don't know just how to say it, but these things all over a period oftime build up in my mind. A lot of things put together, and then I thought finally, about 1958, the incident at the Ramsay Club, and then there was the incident of the tip-off in Guelph.

THE COMMISSIONER: Q. We are trying to sort them out, you see. We have the Ramsay Club in August, 1958. We have the Guelph incident in 1959. What time in 1959, by the way?

A. I believe it was in October of 1959.

Q. All right. Now, up until then you had in your mind two persons of whom you were suspicious, Anderson and Scott?

A. Yes, sir.

Q. And then there came a time when you were suspicious of somebody else. What was the next?

A. At that time I was suspicious of somebody in the Commissioner's office.

Q. Who?

A. I suspected everybody who was involved with the office.

Q. Who did they include?

A. Commissioner Clark.

Q. Yes?

A. Norm Phelps.

Q. Yes, go on.

A. I am just trying to think of exactly at that time. And Kennedy, Assistant Commissioner Kennedy, and Commissioner McNeill. That would be about all at the time.

Q. Not Bartlett?

A. No, sir, he had nothing to do with our squad at the time, to my knowledge.

Q. I am not limiting you to the squad. I am limiting it now to everybody at headquarters.

A. The suspicions came about as a result of me being on the squad, and these are people I dealt with.

Q. I know. The third group includes Clark, Phelps, Kennedy, McNeill. Anybody else?

A. No, I believe that is all at that time.

Q. All right. Now, I will ask you at what date you became suspicious of those people.

MR. WILSON: Q. What was the basis of those suspicions?

A. Because there would be meetings between Sergeant Anderson and the Commissioner's office with respect to raids on the club, the Vets Club. There would be the club in Port Erie and we wanted to raid it continually and put it out of business. I suggested to Anderson that we raid it continually and he said, "No,

we won't." We did raid it, I think, for a couple of weeks, or kept observations on it as well, but then we stopped and Anderson told me and Shrubb told me we were stopped by the Commissioner's office, the higher-ups. Because I couldn't understand why we couldn't raid it, the same as the Bertie Township, they raided it every night and finally they closed it up, and yet we couldn't raid.

Q. What did Sergeant Anderson tell you the reason was for not raiding every night?

A. We weren't allowed to. We were stopped by our superiors.

Q. I take it, you had been raiding that club over the years without getting any evidence upon which to found a prosecution?

A. Yes, sir, that is correct, sir.

Q. And all those suspicions in your mind sort of came to a head at the time you were transferred to Belleville; is that right?

A. Yes, sir.

Q. And then you worked out this scheme or plan to contact McDermott and try to sell yourself to McDermott?

A. That is correct, sir.

Q. And you also thought it might be a good idea to start a little diary or notebook, about that time, too, didn't you?

A. Yes, sir, I decided I should make some notes, yes, sir.

Q. And sort of put down the historical background of what had happened up to that time?

A. Yes, sir.

Q. Yes. And the notebook was started just a few weeks before you contacted Constable George Scott and started to have dealings with him; isn't that right?

A. Yes, sir, it was.

Q. And then your first contact with Constable George Scott was February the 5th, 1960?

A. May I refer to a copy of that notebook? I am not sure exactly of the date, sir.

Q. Well, it is around that date. And you were the one who called him, isn't that right, and set up an appointment?

A. Yes. I think I might have even gone to his house on that occasion, because we had been friends for years at this time.

Q. This arrangement or this meeting you had set up, wasn't out of any friendship. You were going, as I understand you, you were going to see whether or not you could pin something on him?

A. No, I wasn't going to try to pin anything on him. What I was trying to do was to get to the bottom of the people on the anti-gambling squad, and whether Scott knew any particular gamblers. I didn't wantto pin anything on anybody.

Q. How were you going to bring that about, by contacting George Scott?

A. I was going to try to see if he had been in with the gamblers after establishing -- having him believe I was in with the gamblers and that he would gain my confidence and I would gain his confidence and he would voluntarily give me information.

Q. Now, these various meetings I am going to refer to later. Following these various meetings, did you keep on contacting Joseph McDermott?

A. Sometimes I contacted him before I talked to Scott. Sometimes I would talk to him after.

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Q. But you kept McDermott informed about what was happening between Scott and yourself?

A. No, sir, I did not.

Q. You did not?

A. Yes, sir.

THE COMMISSIONER: Q. When did you drop McDermott?

A. When did I drop McDermott? I don't know just what you mean, drop him.

Q. You got in touch with him a number of times and he didn't give any indication of being willing to make any arrangement with him, and, as I understand it, you just dropped him?

A. Yes. It waid be about the end of April. I thought that probably him and Scott both had been playing me for a fool.

MR. WILSON: Q. About the time that you ceased your relationship or stopped your meetings with Scott, that was about the time that you had given McDermott's number -- telephone number to Scott, and he was communicating directly with McDermott, himself, wasn't he?

A. Yes, sir. I gave him the number because I thought he would tell me he already had the number and had been already calling him.

Q. Once you had given him the number and you learned that he was communicating direct, you dropped out of your routine of meeting with him from week to week. That is, with Scott?

A. I don't understand what you mean. Would you repeat that again, sir?

Q. After you gave Scott McDermott's telephone number, you ceased to have these regular meetings and communications with George Scott, didn't you?

A. No, I believe I still met him after.

Q. But you stopped your diary, didn't you?

A. I was going to go into Toronto ---

Q. I say, you stopped your diary at that point?

A. I stopped my diary?

Q. You stopped making any notations in your diary, or your notebook?

A. Yes, I did stop because I was going to go into Toronto and inform the Commissioner, when I had some time off around the 1st of May and I was going to come in and tell him.

Q. There was no further need for you, once you put him in direct contact with McDermott, to make any further notes?

A. I don't understand what you mean, sir.

Q. You heard the question.

A. I don't understand what you mean.

Q. Why didn't you continue to make any further notes after you put him in direct contact with McDermott?

A. I believe I stopped my notes before I put him in contact with McDermott.

Q. Well, the record will speak for itself. Now, you say you had in mind going to see the Commissioner?

A. Yes, sir.

Q. About what?

A. About my investigation.

Q. When were you going to do this?

A. I was going to go in on the 1st of May. I had three or four days off, and then I decided at that time -- in fact, I went away fishing with Roy Wood at thetime, and I had my holidays coming up three weeks

later and I was going to come in to Toronto, down here. In fact, I made a statement to Inspector Graham at the time I was arrested, I was going to go to see Commissioner Clark and if I had no satisfaction there I would go to Attorney General Roberts, and if I had no satisfaction there I would go to see the C.C.F. member MacDonald, and that statement was never put in my trial. I don't know why.

Q. Did you ever sign a statement when Chief Inspector Graham went to see you?

A. No, I don't believe I signed a statement.

Q. Why?

A. I believe a statement is good whether it is signed or not.

Q. I see. Well, nobody was stopping you. You never brought this matter to the attention of the Commissioner?

A. I never got a chance to.

Q. You never had a chance to. You weren't arrested for a considerable time after you had given Scott McDermott's telephone number andknew he was in communication with McDermott?

A. Would you repeat that?

Q. You had at least a month or more then, did you not, to bring the matter to the attention of the Commissioner?

A. Yes, sir.

Q. Before you were arrested, after you had given McDermott's number to Scott?

A. Yes, sir.

Q. Isn't that right?

A. Yes, sir. I didn't -- in fact, I didn't know whether I should go to the Commissioner. I was hesitating whether I should go right to the Attorney General's Department.

Q. You didn't consider going to the Commissioner or the Attorney General more important than going fishing on the 1st of May?

A. No, sir, because I knew I would have some time off. I was going to start my holidays a few weeks later and I would sit down and speak with him. I spent a lot of time thinking about what I would say about the investigation, and I had spent a lot of money on the investigation. I understand there was a law enforcement fund I could retrieve it from.

Q. You didn't think of going to the Commissioner, whom you had suspicions of?

A. Yes.

Q. It was because of the suspicions you hadn't gone to him before you embarked on this so-called scheme or arrangement?

A. That is correct.

Q. But after you had given McDermott's number to Scott, you then thought you might go,

or that you would go to see the Commissioner and tell him about it?

A. What is that again, now?

Q. Well, you had the opportunity to see the Commissioner up to May 28th, and you never made use of it, did you?

A. That is correct, sir.

Q. Now, coming back ---

THE COMMISSIONER: Q. You continued your suspicbns of him?

A. Yes, sir. Ididn't know whether to go over his head and go right to the Attorngy General's Department or I didn't know whether if I went to the Attorney General's Department -- because of conversations that I had with Shrubb and Anderson prior to even my transfer, when the clubs were being stopped from being raided, I thought the best person to go to see was Mr. McDonald of the C.C.F., and I told that in my statement and they didn't even put it in my trial. I think that was ---

MR. WILSON: Q. You didn't go into the witness box at the trial to tell your story?

A. I was told I didn't have to go into the witness box.

Q. I understand that.

A. My lawyer told me there was no necessity of going into the witness box.

Q. You could have gone into the witness box?

A. That is correct, I could have gone into the witness box, yes, sir.

Q. But you didn't see fit to do so?

A. Sir, I was being guided by my learned counsel man at the time. I was guided by what they said and they told me what to do and points in the law.

Q. You are not suggesting they gave you bad advice, are you?

A. I certainly am not, sir. No, sir.

Q. But you could have told your story then, if you wanted to?

A. What I wantdd was a Royal Commission. That is what I wanted. Just as we have to-day, and have this stuff exposed.

Q. Now, just on that note, you have told us of your suspicions of certain people. Is there anything else you think this Commissioner ought to know about, that is relevant to the Commission?

A. No, not at the time. I think you have covered it fairly well.

Q. What is it? Let us have it clear -- a clear understanding. What is it you wanted exposed?

A. Why our department was hampered in the raiding of clubs and stopped from raiding the clubs and keeping information, and also there was interference, I recall, back in 1954 and 1955, when P.C. Scott and Moore were down

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at Windsor, and they had, I believe, seized a number of pinball machines. And those pinball machines -- it was our custom to play the machines and charge them with keeping a common gaming house. At that time there was an election and somehow we got instructions at our branch on Sherbourne Street that there would be no charge in connection with these pinball machines until after the election, and Scott told me that and so did Moore. They can tell you themselves. This is back in 1954 and 1955.

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MR. WILSON: Q. And that is one of the things you want exposed here?

A. Yes. And since Corporal Shrubb told me he had concrete proof of a lot of this, and I would like to see the concrete proof that he has got. He showed me a list of -- not a list -- but some photostat tickets before he left the Force, and said he had the concrete proof of higher-ups in our department being crooked.

Q. Yes, and what else did he have in the way of proof?

A. I don't know what proof. He didn't tell me. He just showed me these -- just enough for me to see he had something. I know there was telephone tickets.

Q. I take it, that from your description of Shrubb, he would come forward with that evidence to this Commission, if he had it?

A. I would certainly think he would, yes, sir. I believe we all talked often, Anderson, Shrubb and myself, and Constable Armstrong, that we should have a Royal Commission.

Q. And what else is it that you think should be exposed before this Commission?

A. Well, that is pretty well it, sir.

Q. That is pretty well it. Now then, let us get back to your meetings with

George Scott, starting on February 5th.

Would you give the witness a copy of Exhibit No.61? ---

Q. So that you will be able to follow this a little better. You may be able to follow my questioning a little better if you have that before you, and open it at the report which is dated February 11th, 1960.

I may tell you that this exhibit is a report, in fact ten reports,made by Constable George Scott as a result of various meetings he had with you in the period of February 5th, 1960, down to May 27th.

A. I have February 11th, sir, at the top.

Q. Yes, but you know that this is the date of the report, but it includes certain earlier dates.

A. Oh, I see.

Q. The events that occurred on earlier dates, the first of which is February 5th.

A. Yes, sir.

Q. Now taking February 5th, you said the first meeting you had with Constable Wright, or Constable Scott, and you see the notation he has made there, February 5th:

"Feb.5 On this day, Prov.Const.

"Wright came to my home and after

"visiting with my family for
"some time, I accompanied P.C.
"Wright to the Wallace Hotel,
"corner of Donlands and O'Connor
"Drive, East York. After
"discussing the working conditions
"at Belleville, P.C. Wright made
"the following statements: -"

Q. I am going to go over these, and you tell me on each one of them whether you said it, or you didn't say it. No.1:

"About 2 weeks ago I stopped a
"car for speeding and the driver
"turned out to be one of the
"gamblers from Toronto."

Did you make that statement?

A. Yes, sir, I did.

Q. No.2:

"This gambler was quite surprised
"to see me in uniform."

A. Yes, sir, I told him that.

Q. No.3:

"This guy asked me if I would be
"interested in forwarding
"information to the principals
"behind the gxxx gambling
"establishments at Cooksville and
"Niagara Falls. (The vets Club and
"Ramsay Club)."

Did you make that statement?

A. Yes, sir, I did.

Q. And the Ramsay Club spoken of there was the Ramsay Club being ~~ma~~ carried on at a new address, was it not, not at the address where you made the raid on August 18th, 1958?

A. Yes, I believe there was another address, yes, sir, they did move, I think.

Q. And what was your knowledge of the interest of McDermott, if any, in the Ramsay Club, as of February, 1960?

A. I had no knowledge, February,1960, other than talking gossip on the squad that they did have an interest in it.

Q. Now, 4:

"The information would be obtained "by you (Const.Scott), forwarded "to me at Belleville and I, in "turn would forward it to Toronto."

Did you make that statement to that effect?

A. Yes, sir, I did.

Q. 5:

"We can make about $400.00 for "the two of us."

Did you make that statement?

A. After discussing, we arrivdd at that figure, that's right, sir.

Q. That was the figure you were going to charge for conveying this information

to the gamblers?

A. That is the figure I wanted him to think I was charging, that's right, sir.

Q. And then 6:

"All the gamblers want to know is "the time the clubs will be raided "and the police of the branch."

Did you make that statement?

A. Yes,sir, I did.

Q. And 7:

"As far as bookmaking is concerned "they don't want any information "on that at all."

Did you make that statement?

A. There was a discussion as to that, and I believe Scott, after two of us come to the conclusion that we should not become involved with any bookmaking information. Yes, I believe - I don't know for sure if I said it, or he said it, but either one of us could have said it.

Q. And 8:

"This guy told me to give him a "call when I came to Toronto."

Did you make that statement?

A. Yes, I did, sir.

Q. Now at this stage, did Scott say to you that he wasn't sure if he would go along with the proposal?

A. I think he did say that he wanted

to think about it, I think, or something to that effect.

Q. And at that stage, did you go out and phone somebody, as he says ---

A. Yes.

Q. -- says you did.

A. I went to -- I recall sitting in the Wallace Hotel, and I went to telephone, and I dialed - appeared that I was making a telephone call, yes.

Q. But you didn't make it?

A. I did not make a phone call, no sir.

Q. And 9:

"I talked to the guy and it looks "like we can get about $200.00 "each per month."

Did you make that statement?

A. Yes, sir, I did, after making it look like I made a phone call.

Q. And 10:

"The reason they want to know when "the raids are going to take place "is because they get the 'big shots' "out there and the 'big shots' don't "like to be caught in raids. I "have even heard that Fred Gardiner "has been out there."

Did you make that statement?

A. No, sir. I did tell him about

the big shots though, I recall; we raided one time and we found a Kitchener lawyer out there, and I got the impression that big shots did go there, and I wanted him to appreciate it, but as far as Mr. Fred Gardiner, I didn't say anything about Fred Gardiner at all.

Q. And 11:

"This would not interfere with "your work because you are not going "to get anything on the ~~mk~~ raids. "They (the gamblers) know that the "only way you can get the clubs is "with an undercover man and they "know there is a tight money "policy and the force will not "employ an undercover man."

Did you make that statement?

A. I told him that this was my own idea, yes, sir.

Q. Now is that the substance ~~thmk~~ of the statement you made on that particular occasion, that we have just gone over, or was there anything else?

A. Could I refer to my notebook, sir?

Q. Before you refer to your notebook, what was the stage of your discussions with MrDermott whom you had been calling regularly since the beginning of the year, as of February 5th?

A. Well, I wasn't getting very far with him, because he would talk about all kinds of crazy talk about politics,and he would talk about paving streets, and he was very evasive all along. But I was trying to sell him the impression the branch knew what was going on.

Q. And between, say, the 1st of January, 1960, and the 5th of February,how many conversations on the telephone did you have with Joseph McDermott?

A. Between the first and ---

Q. January, and the 5th of February?

A. Oh, I can only guess, but I would say probably maybe half a dozen calls.

Q. Some of these, I think you told us, took place when you were still in Toronto, and before you moved to Belleville?

A. That is correct, sir.

Q. Now how was it left at the end of the meeting on February 5th?

A. Could I refer to my notes? I have notes of the meetings too,sir.

Q. Yes, you have got some notes. Well, let us see what your notes say.

A. This is a copy that was used at my trial, of the notebook. Mr. Hartt's copy.

Q. Well, where is the original? I think we would prefer to have the original.

A. Yes, I believe they are in the Supreme Court ---

THE COMMISSIONER: Q. They were exhibits at your trial?

A. Yes.

MR. WILSON: Q. Well, this, you say, is a copy of the notes you started to make, and the first entry was January 13, 1960?

A. Yes, sir.

Q. And there you wrote about two pages of history and then the first entry that relates to any meetings with Scott, starts on page 3, and is under the date of February 5th?

A. Yes, sir, that's correct.

Q. Now, did you write that historical preface or opening all at one time, all on January 13th?

A. Oh, no, sir, it would be over a period of a few days, possibly different things come to mind.

Q. That's right, that is why you were still in Toronto?

A. Yes, some - oh, I would have wrote some in Toronto and some I would have wrote in Belleville.

Q. Did you ever confide in anybody about what you were going -the scheme you were going to work on - this plan you had?

A. Just my bank manager, sir.

Q. Your bank manager. What is his name?

A. Mr. Hunter.

Q. What is his initial?

A. M. Hunter.

Q. M. Hunter.

A. Yes.

Q. What branch at what bank - what branch?

A. The Bank of Nova Scotia, Broadview and Gerrard Branch.

Q. What did you confide in him, and when?

A. It would be about, it was when Scott was pressing me for money - I didn't know where to get the money and I had some bonds and cashed them in, and went and told him to make a note of the serial numbers as I was doing an investigation, and I made a note of the serial numbers of the bills. But as far as day-to-day, or anything like that, I didn't confide in anybody, day to day.

Q. Where did these bonds come from?

A. Bonds I had bought through the Ontario Provincial Police payroll savings deduction plan.

Q. Where were they located before you made use of them?

A. In a safety deposit box I had at the same bank.

Q. But apart from yourself, who would be able to prove that they were in your safety deposit box? Were they bearer bonds?

A. They were savings bonds.

Q. Were they registered in your name?

A. Yes, sir, registered in my name, yes sir. And I believe Inspector Graham, I think he checked that.

Q. Now what did you tell this bank manager?

A. I just told him that I was going to do special investigation, and that I wanted - needed some money, and could I cash my bonds in, and would you give me some hundred-dollar bills for the bonds, and he said, "Okay". I asked him if he would record the serial numbers of these bills that I received for the bonds.

Q. Are you sure you told the manager it was a special investigation?

A. I don't know the exact - whether I said "special" - I told him I was doing an investigation. I don't know whether I exactly said "special".

Q. Well, why would you have to tell him that you were doing a special investigation?

A. Well, I wanted corroboration of the money that I was using for the investigation.

Q. You wanted to corroborate what you were doing. That is what it amounts to, isn't it?

A. No, sir. I wanted corroboration of the money that I was going to pay to Scott.

Q. That is exactly what I am saying, you wanted corroboration that you were using these savings bonds at that time - you were cashing them in, and you wanted to tell somebody what your purpose was?

A. My purpose was ---

Q. The purpose of cashing them in.

A. Yes, that is correct, sir.

Q. But why would you need to do that? Why did you need to have corroboration?

A. Well, I was taught, at police college, on any gambling case, and on all the different investigations carried on, that we had to have corroboration.

Q. Yes. You were trained in these ideas of corroboration?

A. Yes, sir.

Q. From your police training?

A. Yes, sir.

Q. That, I take it, was done about the time you first started to pay money over to George Scott?

A. I believe I did that prior -- I

realized I would have to pay him some money when he kept insisting I give him money, he wanted money, and I believe some time prior to when I first -- I can refer --

Q. Was it prior to February 5th, prior to your first discussion about how much the two of you were going to get?

A. No, sir,it was after.

Q. And where did you deposit the proceeds of the sale of these savings bonds, or whatever they were?

A. Pardon, sir?

Q. The bank manager would take them and sell them on your behalf?

THE COMMISSIONER: Did he?

A. Well, he gave me money for them, yes.

MR. WILSON: Q. He bought them from you?

A. Yes.

Q. Did you deposit the money in the bank, or did you take it home with you?

A. No, no, I took - kept it with me.

Q. How much did you get?

A. $1,500.

Q. $1,500, and what bills did you, what denomination of bills?

A. All hundreds.

Q. All hundreds?

A. Yes, sir.

Q. And are these the bills that you say subsequently, or part of the bills that you turned over to George Scott?

A. Yes, sir.

Q. What bonds were these? Did you get $1,500 even?

A. Did I ---

Q. Well, did you realize $1,500 even for the bonds you turned over to the bank manager?

A. Now then, that's something I can't say for sure, but now I think I might have got a little extra because there was interest on the coupons. I believe that he gave me that in cash. I thought I put it in my bank account, but I am not just sure of what I did there.

THE COMMISSIONER: You wouldn't put the odd change in your bank account, and keep the $1,500?

A. Oh yes, sir.

Q. You would?

A. Yes.

Q. I can understand you keeping the odd change and depositing the $1,500, but not the reverse.

A. I could have kept it. I am not sure whether I did put it in the bank or whether I did keep it. I am not sure of that.

MR. WILSON: Mr. Commissioner, it is four o'clock.

THE COMMISSIONER: We will adjourn until tomorrow morning at ten o'clock.

---Whereupon the hearing adjourned at 4:00 o'clock p.m., until tomorrow, Thursday, May 17, 1962, at 10:00 o'clock a.m.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

THE STERLING TRUSTS CORPORATION,
Executor of The Last Will and
Testament of Dorothy Margaret Brown,
late of the Town of Trenton, in the
County of Hastings, Deceased, and
WILLIAM JOHN BROWN,

Plaintiffs,

- and -

HENRY POSTMA, FRED A. LITTLE and
FREDERICK H. LITTLE,

Defendants.

AND BETWEEN:

THE STERLING TRUSTS CORPORATION,
Executor of The Last Will and
Testament of Dorothy Margaret Brown,
late of the Town of Trenton,
in the County of Hastings, Deceased,
and WILLIAM JOHN BROWN,

Plaintiffs,

- and -

HENRY POSTMA, OLIVE RUSSELL LITTLE,
Executrix of the Estate of
Fred A. Little, and FREDERICK H. LITTLE,

Defendants.

AND BETWEEN:

THE ATTORNEY GENERAL OF CANADA,

Plaintiff,

- and -

HENRY POSTMA, FRED A LITTLE and
FREDERICK H. LITTLE,

Defendants.

TRANSCRIPTION BY MEMBER

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